92 No. 954

FILED
DEC 3 1992
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1992

NO.A-310

GWENDOLYN L. KING
aka GWENDOLYN L. GREENE aka GWEN GREENE

Plaintiff/Appellant/Petitioner

v.

HON. BARRY RUSSELL, HON. PETER ELLIOTT
Article I Bankruptcy Consultant Judges
U.S. BANKRUPTCY COURT CENTRAL CALIFORNIA
JACK WAGNER, BERNADINE GORDON, USBC CA CLERKS
ELSIE DAVIS, USBC C CA CHAPTER 13 TRUSTEE
JAMES JOSEPH, ESQ., USBC C CA CHAPTER 7 TRUSTEE
HON. MANUEL REAL, Article III Presiding Judge
U.S. DISTRICT COURT CENTRAL CALIFORNIA
in their official capacities as Federal Agents

CAPRICE L. COLLINS, ESQ., KAREN A. RAGLAND, ESQ.,
PHAEBRA CROFT, DELOY EDWARDS, Realtor, Agents

LONNIE & SIMA KAPLAN, MARCUS & EDNA TODD
Non-Bona Fide Purchasers/Possessors
of the home and land, 11 USC CHAPTER 7
Bankruptcy Trust Estate of Petitioner

GREAT WESTERN SAVINGS & LOAN INC. AND AGENTS

THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CITY OF LOS ANGELES
AND THEIR AGENTS, ET AL

Defendants/Appellees/Respondents

CIVIL NO.90-16602

ON WRIT OF CERTIORARI TO THE

UNITED STATES COURT OF APPEALS FOR THE

NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

GWENDOLYN L. KING, ESQ., In Pro Se
c/o CENTRAL AVE POSTAL CENTER
3003 North Central Avenue
Suite 121-158
Phoenix Arizona 85012

November 25,1992

QUESTIONS PRESENTED FOR REVIEW

1. WHETHER under the doctrine of "PUB-LAWS", "PUBLIC RIGHTS OF THE POOR", mostly colored minorities, single mothers, the working poor, and other weak incapacitated persons, the "PUBLIC DUTIES OF PUBLIC GOVERNMENT OFFICIALS"are to strictly enforce the United States Constitution under ART.I, ART.II, ART.III, ART.IV, ART. VI, the 1st, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 13th, 14th, Amendments, and the DEC 24, 1982 Decision of Northern Pipeline 101 S Ct 2858, 2867, 2880, 2882; Bradley v Fisher, infra; Ex Parte McCardle, infra; Hagner v U.S., infra; Reily v Lamar, infra; Ochoa v Hernandez y Morales, infra; Clyatt v U.S., infra; Tumey v Ohio, infra; Moore v Bay, supra; Marbury v Madison, infra; inter alios.

. . . . .

. . . . .

. . . . .

2. WHETHER under the "PUBLIC LAWS", "PUBLIC RIGHTS OF THE POOR", "PUBLIC DUTIES OF PUBLIC OFFICIALS" under the Public Laws of the United States Constitution and Amendments thereto, supra NO.1, the FEDERAL CASE LAW GOVERNANCE, supra NO. 1, inter alios, the USDC AZ AUG 09, 1990 MEMORANDUM OPINION, the NINTH CIRCUIT MAY 11, 1992 PER CURIAM OPINION, both must be REVERSED as unconstitutionally infirmed and retroactive to the DEC 24, 1982 Decision of Northern Pipeline, infra 101 S Ct 2858, 2867, 2880, 2882, repealing in its entirety the subject matter jurisdiction of ART.I Bankruptcy Consultant Judges DEC 27, 1982, OCT 25, 1983 under 28 USC 1471 of the Bankruptcy Reform Act of 1978, under Bradley v Fisher, infra; Ex Parte McCardle, infra; Chevron Oil Co. v Huson, infra; inter alios.

. . . . .

. . . . ..

3. **WHETHER** in the instant Case, this Supreme Court of the United States should apply the doctrine of "PUBLIC LAWS", "PUBLIC RIGHTS OF THE POOR","PUBLIC DUTIES OF PUBLIC OFFICIALS" under the United States Constitution and Amendments thereto, **supra NOS.1, 2,** and the FEDERAL CASE LAW GOVERNANCE, **supra NOS.1, 2,** inter alios, under **Northern Pipeline, supra** 101 S Ct 2858, 2867, 2880, 2882, 2870, 2871 citng **Ex Parte Bakelite, infra** 279 U.S. 438, 451, 459, inasmuch as this Case arises between the STATE, COUNTY, CITY, involvement of administration of **ART.I 11 USC CHAPTER 7 Bankruptcy Trust Estate** in custodia legis **the United States** by other than the U.S. Court Trustee, in the STATE Courts, enforced by STATE police power, in violation of **ART.I, ART.III, ART.IV, ART.VI** and **Moore v Bay, supra; Northern Pipeline, supra;** inter alios.

. . . . .

4. WHETHER the "PUBLIC LAWS", "PUBLIC RIGHTS OF THE POOR", "PUBLIC DUTIES OF PUBLIC OFFICIALS" under Northern Pipeline, supra 101 S Ct 2858, 2867, 2870, 2871, 2880, 2882, mandate that the "claim" herein USDC AZ "arose" in an ART.I §8 cl.1 "federal enclave" concerning ART. I §8 cl.4 11 USC CHAPTER 13, 7 Bankruptcy Trust Estate Real and Personal Property, under Reily v Lamar, supra; S.R.A. v Minnesota, infra, on DEC 27, 1982, OCT 25, 1983, and therefore the "claim" "arose" not "in California", but in all 50 States of the United States; and on JULY 19,1985 under the Mandamus and Venue Act of 1962 (as amended 1975) [28 USC 1361, 1391(e)(1)(2)(3)(4)] was applicable, valid existing law in the USDC AZ, the Ninth Circuit if Bradley v Fisher, supra;Ex Parte Bakelite, supra; is enforced by this Supreme Court.

. . . . .

. . . . .

5. WHETHER under the "New World Order", the "Global Village " concept, the precedent setting International Law Case decided by this Supreme Court JUNE 15,1992 U.S. v Humberto Alvarez-Machain, infra US SC No.91-712, 50 LAW WEEK 4523, 4524, 4527, 4531, 4532, in effect making "a [ANY] USDC in the United States" a "World Court" for Foreign Nationals who violate "the laws of the United States"-- the twenty-two (22) year old Case law of Liberation News Service v Eastland (2nd Cir 1972), infra, as it applies to DEC 27, 1982, OCT 25, 1983 ART.I Administrative Bankruptcy Consultant Judges without subject matter jurisdiction under Northern Pipeline, supra 101 S Ct 2858, 2867, 2870, 2871, 2880, 2882; Ex Parte McCardle, supra; Bradley v Fisher, supra; Ex Parte Bakelite, supra;-- SHOULD BE VACATED as anachronistic.

. . . . .

. . . . .

6. WHETHER under the U.N. CHARTER (TREATY) UNIVERSAL DECLARATION OF HUMAN RIGHTS "LAW OF NATIONS" Arts. 1 through 20, 23, 26, 28, 30, infra; the JUNE 15, 1992 precedent setting International Law Case, of this Supreme Court of the United States, U.S. v Humberto Alvarez-Machain, supra; Northern Pipeline, supra 101 S Ct 2528, 2867, 2870, 2871, 2880, 2882; Bradley v Fisher, supra; Ex Parte McCardle, supra; Ex Parte Young, infra; Reily v Lamar, supra; Chevron Oil Co. v Huson, supra; Clyatt v U.S., supra; Hagner v U.S. supra; Johnson v Zerbst, infra; Ochoa v Hernadez y Morales, supra; Ex Parte Bakelite, supra; Coder v Arts; infra; Marbury v Madison, supra inter alios -- the instant Case is one of "first impression" and should be heard. SEE: South-West Africa Cases, infra [cf Brown v Board of Education (1954) 347 U.S. 483], I.C.J.

. . . . .

7. WHETHER under the doctrine of"PUBLIC LAWS", "PUBLIC RIGHTS OF THE POOR", "PUBLIC DUTIES OF PUBLIC OFFICIALS", on DEC 27, 1982, OCT 25, 1983, ART.I Administrative Bankruptcy Consultant Judges with no subject matter jurisdiction as of the DEC 24 1982 Decision in Northern Pipeline, supra 101 S Ct 2858, 2867, 2870, 2871 2880, 2882, -- under Bradley v Fisher, supra, Ex Parte McCardle, supra; U.S. v Throckmorton, infra; Coder v Arts, supra [citing the common law of 13 Elizabeth 1 Ch.5 (1570) later codified in the United States as the Uniform Fraudulent Conveyance Act (1913), infra]; Ex Parte Bakelite, supra; Ex Parte Young, supra; Moore v Bay, supra; Ochoa v Hernandez y Morales, supra; King et al v California et al, infra 784 F 2d 910, 912¶1; Migra v Warren City School District, infra; U.S. v Carver, infra; -- neither "Mootness" nor res judicata nor Collateral Estoppel nor Immunity apply.

7(1) WHETHER on DEC 27, 1982, OCT 25, 1983, under the DEC 24, 1982 Decision of Northern Pipeline, supra 101 S Ct 2858, 2867, 2870, 2871, 1880, 2882, repeal of 28 USC 1471 of the Bankruptcy Reform Act of 1978, ART.I Administrative Bankruptcy Judges were on those dates prohibited, under Bradley v Fisher, supra; Ex Parte McCardle, supra; Ex Parte Bakelite, supra - from issuing ART. III Final ORDERS in 11 USC CHAPTER 13,7 matters which did not have ordinary Appellate Review upon immediate Appeal, and the FED DEFENDANTS/RESPONDENTS were not "Officers of [any] Court.

7(2) WHETHER under the "New World Order", the JUNE 15, 1992 precedent setting International Law Case of U.S. v Humberto Alvarez-Machaid, supra, in effect establishing "a [ANY] USDC as a "World Court" for Foreign Nationals around the world -- this Supreme Court

of the United States should resolve the direct, square, conflict which exists between the Ninth Circuit, Pro: Costlow v Weeks (9th Cir 1986) 790 F 2d 1486, and the instant Case (9th Cir 1992 [CV90-16602]),infra; Contra: Concession Consultants, Inc. v Mirisch (2nd Cir 1966) 355 F 2d 369, 371; [district court may not raise improper venue sua sponte where (FED DEFENDANTS did not raise in a FRCP 12(a) ANSWER or in a FRCP 12(b) MOTION)] cf. Wagner v Fawcett Publications, Inc. (7th Cir 1962) 307 F 2d 409, 412 [district court had no right to apply sua sponte statutes of limitations where defendants had waived that defense], under Driver v Helms (DC RI 1977) 74 FRD 382, 390; Camp v Gress (1919) 250 U.S. 308; U.S. v Guest, infra; Shapiro v Thompson, infra; Van Dusen v Barrack (1964) 376 U.S. 612, 639.

8. WHETHER under the doctrine of "PUBLIC LAWS", "PUBLIC RIGHTS OF THE POOR", "PUBLIC DUTIES OF PUBLIC OFFICIALS" in an ART.I §8 cl.1 "federal enclave" excised geographically and jurisdictionally from NON-FED DEFENDANTS/RESPONDENTS STATE, COUNTY, CITY administration of ART.I §8 cl.4 11 USC CHAPTER 13,7 Bankruptcy Estate Trust Property in custodia legis the United States, presently 1992, under King et al v California et al, supra 784 F 2d 910,912§1 and Northern Pipeline, supra 101 S Ct 2858, 2867, 2870, 2880, 2882; Bradley v Fisher, supra; Ex Parte McCardle, supra; Ex Parte Bakelite, supra; U.S. v Throckmorton, supra; Chevron Oil Co. v Huson, supra; Ochoa v Hernandez y Morales, supra; U.S. v Humberto Alvarez-Machain, supra; U.N. CHARTER "LAW OF NATIONS", supra; South-West Africa Cases supra; 18 A.J.I.L. pp.147, 159-160 -- this Supreme Court should grant a Writ of Certiorari herein.[1]

-x-

[1]All parties are listed in the Caption.

The FED DEFENDANTS were served with SUMMONS and 1st AMENDED COMPLAINT pursuant to FRCP 4(d)(4) AUG 12, 1985 (C.D. no.14).

On SEPT 4, 1985, there appeared on the Docket Sheet (C.D. no.4) a FED DEFENDANTS FRCP 8(a)(e), 37(d), 41(b) MOTION TO DISMISS by Special Appearance, which PETITIONER responded to (C.D. no.21 Sept.21, 1985) having received a "duplicate copy" on Sept 19, 1985 (C.D. no.14) but no copy of said MOTION appeared in the public record as of Sept. 24, 1985 (C.D. no.15 CT Clk's "NOTE: no such [C.D. no.4] MOTION [OF FED DEFENDANTS] filed with court as of Sept.19,1985)."

On OCT 04, 1985, the FED DEFENDANTS served and filed a "28 USC 1391" MOTION TO CHANGE VENUE [TO USDC C CA] on the grounds of incovenience to the U.S. Attorneys, and Plaintiff did not reside in PHX AZ. -- The FED DEFENDANTS never served and filed a

FRCP 12(a) ANSWER or a FRCP 12(b) MOTION TO DISMISS as stated in the MAY 11, 1992 PER CURIAM OPINION of Ninth Circuit Judges GOODWIN, FLETCHER, BRUNETTI, CV90-16602. APPENDIX, page 6-A .

The NON-FED DEFENDANTS Kaplans were served personally in Los Angeles CA on AUG 23 1985 (C.D. no.9,10) and on Sept. 24, 1985 NON-AZ RESIDENT ATTORNEYS Caprice L. Collins, Esq., Karen A. Ragland, Esq. [DEFENDANTS herein themselves] in violation of USDC AZ Local Rule 6(b)(c) filed a FRCP 12(b)(3) MOTION TO DISMISS (Pennoyer v Neff) for the Kaplans (C.D. no.23), to which PLAINTIFF/PETITIONER had served and filed OBJECTIONS Sept. 27, 1985 (C.D. no. 37). APPENDIX, page 58-A .

The NON-FED DEFENDANTS Todds, Edwards, Collins, Esq., Ragland, Esq., Croft, were personally served 8/23/85, AND their DEFAULTS and DEFAULT JUDGMENTS were requested by PETITIONER. DEFAULT against Todds.

TABLE OF CONTENTS

TOPIC	PAGE
QUESTIONS PRESENTED FOR REVIEW	i
ALL PARTIES LISTED IN CAPTION	xi
TABLE OF CASES	xxvi
TABLE OF AUTHORITIES	xxxx
PETITION FOR WRIT OF CERTIORARI	1
TITLE PAGE AND CAPTION	1
SALUTATION	3
OPINIONS BELOW	3
1. MAY 11, 1992 PER CURIAM OPINION OF NINTH CIRCUIT NO. CV90-16602 King aka Greene v Russell, Elliott, ART.I Bankruptcy Consultant Judges, USBC C CA (DEC 27, 1982, OCT 25, 1983), Real, et al 963 F 2d 1301 (CA9 AZ 1992)	3
2. AUG 09, 1990 MEMORANDUM OPINION OF USDC AZ NO.CIV85-1698PHX-PGR(WEC). Unpublished.	4

. . . . .

JURISDICTION OF SUPREME COURT 4

U.S. CONSTITUTIONAL PROVISIONS, U.N. CHARTER (TREATY) DECLARATION OF HUMAN RIGHTS "LAW OF NATIONS", STATUTORY PROVISIONS 6

STATEMENT OF CASE(S) 8

1. PREFATORY STATEMENT OF RELATED BANKRUPTCY/CLASS ACTION CASES 8

2. STATEMENT OF INSTANT CASE 11

a. NATURE OF CASE 11

b. FEDERAL JURISDICTION AND VENUE UNDER THE MANDAMUS AND VENUE ACT OF 1962 (AS AMENDED 1975)VALID JULY 19,1985 IN USDC AZ AND NINTH CIRCUIT 20

c. COURSE OF PROCEEDINGS IN USDC AZ NO.CIV85-1698PHX-PGR(WEC) JULY 19, 1985 TO AUG 09, 1990 32

d. FEDERAL JURISDICTION IN NINTH CIRCUIT NO.CV90-16602 35

REASONS FOR GRANTING A WRIT 39

1. INTRODUCTION 39

2. ARGUMENT 45

a. THE OPINIONS BELOW ARE SO REPUGNANT TO THE DOCTRINE OF "PUBLIC LAWS", "PUBLIC RIGHTS OF THE POOR",UNDER THE PUBLIC LAWS OF THE U.S. CONSTITUTION, AND SO UNCONSTITUTIONALLY RETROACTIVE TO DEC 27, 1982, OCT 25, 1983, THAT UNDER FEDERAL CASE LAW GOVERNANCE infra, BOTH OF THE OPINIONS MUST BE REVERSED. 45

b. THIS SUPREME COURT SHOULD APPLY THE DOCTRINE OF "PUBLIC LAWS", "PUBLIC RIGHTS OF THE POOR", "PUBLIC DUTIES OF PUBLIC OFFICIALS" UNDER THE FEDERAL CASE LAW GOVERNANCE infra. 50

. . . . .

. . . . .

. . . . .

c. UNDER THE DOCTRINE OF "PUBLIC LAWS"," PUBLIC RIGHTS OF THE POOR", "PUBLIC DUTIES OF PUBLIC OFFICIALS", THE MANDATE OF Northern Pipeline, infra (DEC 24, 1982) 101 S Ct 2858, 2867, 2870, 2880, 2882; Ex Parte McCardle, infra; Bradley v Fisher, infra; inter alios, PETITIONER'S "CLAIM" "AROSE" ON DEC 27, 1982, OCT 25, 1983 IN THE USBC C CA, A "FEDERAL ENCLAVE"UNDER ART.I§8 cl.1, GEOGRAPHICALLY AND JURISDICTIONALLY NOT "IN CALIFORNIA", BUT IN ALL 50 STATES, IN THE USBC C CA WITHOUT SUBJECT MATTER JURISDICTION OF ART.I JUDGES RUSSELL, ELLIOTT, CONCERNING 11 USC CHAPTER 13, 7 BANKRUPTCY TRUST ESTATE. 52

. . . . .

. . . . .

. . . . .

d. FOR THE REASONS, FEDERAL CASE LAW GOVERNANCE SET FORTH HEREIN ABOVE NOS.a, b, c, Northern Pipeline, supra; Ex Parte McCardle, supra; Bradley v Fisher, supra; inter alios, -- Livingston News Service v Eastland (1970), infra, ON DEC 27, 1982, OCT 25, 1983, IN THE USBC C CA , BEFORE ART.I JUDGES RUSSELL, ELLIOTT ON THOSE DATES, IS NOT CONSTITUTIONALLY APPLICABLE IN THE INSTANT CASE AND THE 22 YEAR OLD CASE LAW SHOULD BE VACATED BY THIS SUPREME COURT AS ANACHRONISM. 54

e. FOR THE REASONS, FEDERAL CASE LAW GOVERNANCE SET FORTH HEREIN ABOVE NOS.a, b, c, d, AND THE "NEW WORLD ORDER" OF THIS SUPREME COURT JUNE 15, 1992 INTERNATIONAL LAW DECISION, U.S. v Humberto Alvarez-Machain, infra,

-- THIS IS A "CASE OF FIRST IMPRESSION" UNDER THE "PUBLIC LAWS", "PUBLIC RIGHTS OF THE POOR", "PUBLIC DUTIES OF PUBLIC OFFICIALS", UNDER THE "NEW WORLD ORDER"IN ANY USDC, IN EFFECT NOW A "WORLD COURT" AND THE APPLICABLE INTERNATIONAL LAW OF THE U.N. CHARTER (TREATY) "LAW OF NATIONS, infra, MUST APPLY IN ALL USDC'S ANALOGOUS TO THE I.C.J. SOUTHWEST AFRICA CASES. 56

f. FOR THE REASONS, FEDERAL CASE LAW GOVERNANCE SET FORTH HEREIN ABOVE NOS.a,b,c,d,e, AND Coder v Arts, supra; U.S. v Throckmorton, infra; THE Uniform Fraudulent Conveyance Act (1918), THE FEDERAL ISSUES HEREIN ARE NOT res judicata NOR "Moot", NOR DOES "Collat-

eral Estoppel" APPLY HEREIN,OR "JUDICIAL IMMUNITY" ON DEC 27, 1982, OCT 25, 1983, UNDER REPEAL OF 28 USC 1471 SUBJECT MATTER JURISDICTION BY THE DEC 24, 1982 DECISION IN Northern Pipeline, supra 101 S Ct 2858, 2867, 2870, 2871, 2880, 2882 -- (1) UNDER THE "LAW OF THE CASE" THE 11 USC CHAPTER 7 BANKRUPTCY TRUST ESTATE IS, CUSTODIA LEGIS THE UNITED STATES, AND HAS BEEN SINCE SEPT 14, 1983 BY PETITIONER'S NOTICE OF LIS PENDENS FILED IN THE OFFICE OF THE L.A. CA COUNTY RECORDER: King et al v California et al, supra 784 F 2d 910, 912¶1; Ochoa v Hernandez y Morales,supra; 11 USC 548(a)(2). 61

. . . . .

. . . . .

-- (2) THIS SUPREME COURT SHOULD RESOLVE THE CONFLICT AMONG CIRCUITS, OF USDC JUDGES RAISING "PERSONAL DEFENSES OF "VENUE" IN THE NINTH, AS SANCTIONED IN Costlow v Weeks (CA9 1986) supra; AND IN THE INSTANT CASE (CA9 AZ 1992),supra; AND CONTRA Concession Consultants, Inc. v Mirisch, supra (2nd Cir 1966); Wagner v Fawcett Publications, Inc., supra (7th Cir. 1962),UNDER THE FEDERAL CASE LAW GOVERNANCE OF Camp v Gress (1919) 250 U.S. 308; AND THE CONFLICT OF PETITIONER'S "RIGHT TO TRAVEL" UNDER Shapiro v Thompson. infra; U.S. v Guest, infra; Van Dusen v Barrack, supra 62

--(3) THE KAPLANS DID APPEAR. 64

CONCLUSION 65

APPENDIX

INDEX

King aka Greene

v.

Russell, Elliott, ART.I Bankruptcy

Consultant Judges, USBC C CA, et al

(ORDERS DEC 29, 1982, OCT 25, 1983)

963 F 2d 1301 (CA9 AZ 1992)

NINTH CIRCUIT NO.CV90-16602

USDC AZ NO.CIV85-1698PHX-PGR(WEC)

USBC C CA NO.SA83-2194PE

USBC C CA NO.LAX82-43130BR

DOCUMENT	PAGE
MAY 11, 1992 PER CURIAM OPINION Ninth Circuit Judges, GOODWIN, FLETCHER, and BRUNETTI	1-A
AUG 09, 1990 MEMORANDUM OPINION USDC AZ Judge, PAUL G. ROSENBLATT	13-A
AUG 09, 1990 JUDGMENT BY CLERK	30-A
FEB 12, 1990 OSC ORDER USDC AZ Judge, PAUL G. ROSENBLATT	32-A

MARCH 07, 1986 OPINION

King aka Greene, et al

v California et al (CA9 Cal 1986)

784 F 2d 910, 911, 912¶1

Ninth Circuit Judges,

FARRIS, PREGERSON, and NORRIS

US SC NO.87-229 53 LW 3186 .....38-A

OCTOBER 25, 1983 EX PARTE ORDER

Integrity, Inc., Kaplans vs

King aka Greene (11 USC CHAPTER

7 COURT TRUSTEE James Joseph,Esq.

not named in EX PARTE ADVERSARY

COMPLAINT) NO.SA83-2194PE

USBC C CA (DEC 24, 1982) ART.I

Bankruptcy Consultant Judge,

PETER ELLIOTT 40-A

DECEMBER 27, 1982 ORDER

Integrity, Inc., Kaplans vs

King aka Greene, [Elsie] Davis,

11 USC CHAPTER 13 COURT TRUSTEE

ADVERSARY COMPLAINT NO.LAX82-

43130BR and PETITIONER'S ANSWER

and ADVERSARY CROSS-COMPLAINT,
King aka Greene vs Integrity, Inc.,
Kaplans; and PETITIONER'S FRCP 12(b)
(1) MOTION TO DISMISS ADVERSARY COM-
PLAINT NO.LAX82-43130BR (neither
CROSS-COMPLAINT nor MOTION resp-
onded to by Integrity, Inc., Kaplans.)
USBC C CA (DEC 24, 1982) ART.I
Bankruptcy Consultant Judge,
BARRY RUSSELL 53 LW 3438 NO.84-695...43-A
AUGUST 06, 1992 ORDER
DENYING PETITION FOR REHEARING
AND SUGGESTION OF REHEARING EN BANC
Ninth Circuit Judges
GOODWIN, FLETCHER and BRUNETTI 46-A
AUGUST 24, 1992 NOTICE OF APPEAL
TO THE U.S. SUPREME COURT (28 USC
1254(1), U.N. CHARTER (TREATY)
"LAW OF NATIONS", S Ct Rule 18) 48-A
OCTOBER 15, 1992 ORDER NO.A-310
US SC, GRANTING PETITIONER AN
EXTENSION OF TIME TO DEC 04,1992 ...50-A

MARCH 08, 1988 JURISDICTIONAL
STATEMENT (COPY OF COVER)
"REC'D APR 12(?) 1988 OFFICE
OF CLERK SUPREME COURT U.S."
King et al v Kaplans et al
ON APPEAL FROM NINTH CIRCUIT
COURT OF APPEALS CV84-5762,
US SC Nos. A-476, A-652 .....51-A
JULY 21, 1988 LETTER
TO GWENDOLYN L. KING
/s/[HON.] Dennis DeConcini,
United States Senator 52-A
MAY 24, 1983 LETTER
TO 11 USC CHAPTER 7 USBC C CA
COURT TRUSTEE JAMES JOSEPH,ESQ.
/s/Amy Cox, Asst. Sec'y, GREAT
WESTERN SAVINGS & LOAN, AND
JUNE 11, 1983 CONFIRMATION
NOTE, SAME PAGE, /s/James Joseph
"no". BK NO.SA83-01703PE In re
Gwendolyn King aka Gwendolyn Greene
(EXHIBIT "C" page 118 C.D.no.2) 54-A

JULY 19, 1985 TO AUGUST 14, 1992
(C.D. nos.1 through 189)
CHRONOLOGICAL LIST OF RELEVANT
DOCKET ENTRIES USDC AZ NO.CIV85-
1698PHX-PGR(WEC)
King aka Greene v Russell, Elliott,
ART.I Bankruptcy Consultant Judges,
USBC C CA(DEC 29, 1982, OCT 25, 1983)
et al NINTH CIRCUIT NO.CV90-16602...56-A
UNITED STATES CONSTITUTIONAL
PROVISIONS (PETITION FOR WRIT
OF CERTIORARI PAGE 6) 70-A
UNITED NATIONS CHARTER (TREATY)
DECLARATION OF HUMAN RIGHTS
"LAW OF NATIONS" Articles 1,
2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
12, 13, 14, 15, 17, 18, 19,
20, 23, 26, 28, 30. (PETITION
FOR WRIT OF CERTIORARI PAGE 6) 80-A
U.S. SUPREME COURT Rule 26.6
PETITIONER'S EXHIBIT "A" MAP
OF L.A. CA "FEDERAL ENCLAVE" 87-A

oOo

***

***

***

***

***

***

-0-

TABLE OF CASES

FEDERAL — PAGES

Allard v Benjamin (1985)
49 BR 900 — 13,25,43,45,56

American Ins. Co. v Canter (1988)
26 U.S. 511, 541 — 24,43,45,56

Ananko v Harsanji (1988)
91 BR 23 — 7,17,25,34,43,45,56

Bakelite, Ex Parte (1929)
279 U.S. 438, 451, 458, 459
7,43,45,48,50,56,63

Baker's Equipment/Winkler Inc.
v Galasso (1983) 33 BR 307
19,25,34,43,44,45,53,56

Barr v Matteo (1959)
360 U.S. 564 — 7,43,45,56,61

Bartle v Markson (1966)
357 F 2d 517 — 19,25,34,43,45,56,60

Billings v U.S. (1914)
232 U.S. 261, 282 — 14,43,45,56

. . . . .

. . . . .

Blonder-Tongue Labs v U. of Ill. (1971)
402 U.S. 373, 320 n.6
7,16,41,43,45,56,61

Bradley v Fisher (1871)
13 Wall 335, 351, 356
7,14,43,45,56,61

Broder v Natoma Water Co. (1879)
101 U.S. 274 26,43,45,56

Brown v Board of Education (1954)
347 U.S. 483 vi,7,43,45,56

Cameron v U.S. (1914)
231 U.S. 710, 720 14,43,45,56

Camp v Gress (1919)
250 U.S. 308 x,7,43,45,56,62

Carafas v LaValle (1968)
391 U.S. 234 61

Carnegie-Mellon Univ. v Cohill (1988)
108 S Ct 614 17,25,34,43,45,56

Charleston v U.S. (CA9 Cal 1971)
444 F 2d 504
(U.S.) cert den ___U.S.___ 55,56

. . . . .

Chase & Sanborn, Re (1988)
835 F 2d 1341
(U.S.) cert granted ___U.S.___
7,17,25,34,43,45,53,56,60

Chee Chang Ping v U.S. (1889)
130 U.S. 581, 600 42,43,45,56

Chemical Bank v Grisby's World of Carpets
(1984) 44 BR 287
13,16,25,34,43,45,53,56

Chevron Oil Co. v Huson (1971)
404 U.S. 97, 106, 147
14,43,44,45,56,60

Clyatt v U.S. (1905)
197 U.S. 207, 215, 216 7,43,44,45,56

Coder v Arts (1909)
213 U.S. 223, 242, 243
7,42,43,44,45,56,61,63

Commodities Futures etc. v Schor (1986)
106 S Ct 3245, 3251, 3253
41,43,44,45,47,56,58

. . . . .

. . . . .

Concession Consultants, Inc.
v Mirisch (2nd Cir 1966)
355 F 2d 369, 371 ix,xx,63

Costlow v Weeks (CA9 1986)
790 F 2d 1486 ix,xx,63

Cross v Bruning (CA9 Cal 1969)
413 F 2d 678
(U.S.) cert den ___U.S.___ 55,56

Crowell v Benson (1932)
285 U.S. 22 7,18,43,45,56,62

Curry v Pyramid Life Ins. Co. (1959)
271 F 2d 1 7,10,19,43,45,48,56,60

Davis v U.S. (CA9 Cal 1987)
820 F 2d 1038 18,43,45,56

Driver v Helms (1977)
74 FRD 382, 390 ix

Duplantier v U.S. (CA5 1979)
606 F 2d 654
(U.S.) cert den 449 U.S. 1076 (1981)
29,43,45,56

Fietz, Re (CA9 Cal 1988)
852 F 2d 455 60

Freeman v Howe (1860)

62 U.S. (24 How.) 450 26,43,45,56

Gallagher v Fyre (CA9 1980)

631 F 2d 127 11,17,43,45,56,61

Geoffrey v Riggs (1890)

133 U.S. 258, 266 42,43,44,45,53,56

Gibbs, Re (1984)

44 BR 475 60

Gray v Sanders (1963)

372 U.S. 376 60,62

*Hansberry v Lee (1940)

311 U.S. 32, 40, 41, 44

18,43,45,56,60

Hartley Pen Co. v Lindy Pen Co.

(SD Cal 1954) 16 FRD 141 25,43,45,56

Hawes v Club Escuestre El Comandante

(1979) 578 F 2d 698, 701, 702, 703

7,43,45,56,60

Henderson v Kibbe (1978)

431 U.S. 145, 152 18,43,45,56

Herrera, Re (1983 BC DC Colo.)

10 BCD 123 17,43,45,56

-xxx-

Hoines v U.S. (CA9 1947)
165 F 2d 506, 335 U.S. 297 61

Howerton v Gabica (CA9 1983)
708 F 2d 380 18,43,45,56

Insurance Corp. of Ireland, Ltd.
v Compagnie des Bauxites de Guinee
(1982) 456 U.S. 694 13,25,43,45,56

Johnson v Zerbst (1938)
304 U.S. 458 7,41,43,45,56

Kimberly Corp. v Hartley Pen Co.
(CA9 1956) 237 F 2d 294 25,43,45,56

King [GWENDOLYN L.] aka Greene
v Russell, Elliott, ART.I Bankruptcy
Consultant Judges [DEC 27,29, 1982,
OCT 25, 1983], USBC C CA et al
(CA9 MAY 11, 1992) [CV90-16602
INSTANT CASE UNDER REVIEW]
963 F 2d 1301 [APPENDIX, page 1-A.]
ix,xx,61,62,63

*Hagner v U.S. (D.C. Cir 1931)
54 F 2d 446, aff'd 285 U.S. 427
vi,7,43,45,56,65

King [GWENDOLYN L. aka Greene] et al
v California et al (CA9 MARCH 07 1986)
784 F 2d 910, 912¶1 [APPENDIX,pages
38-A, 39-A.] (U.S.) 483 U.S.___ cert
den (1987) rhrg den 484 U.S.___(1987)
56 LW 3186 US SC NO.87-229

7,9,11,17,43,45,53,56,5761,62

King [GWENDOLYN L. aka Greene] et al
v Kaplans et al (CA9 SEPT 25 1987)
[CV84-5762] unpublished [APPENDIX,
pages 51-A, 52-A, 53-A.] __LW____
(1988)] US SC NOS.A-476, A-642
MAR 08 1988 JURISDICTIONAL STATEMENT,
DOCKETING FEES PAID, DISPOSITION UN-
KNOWN.

9,11,43,45,56

King [GWENDOLYN L. aka Greene] et al
v USDC C CA, Real, USBC C CA, Russell,
Elliott , ART.I Bankruptcy Consultant
Judges [DEC 27, 29, 1982, OCT 25, 1983]
(CA9 1984) (U.S.) app summ dism 469 U.S.
1100 (1985) rhrg den 470 U.S. 1089(1985)

53 LW 3438 US SC NO.84-695

9,11,43,45,56

Liberation News Service v Eastland

(1970) 426 F 2d 1379, 1383, 1384

7,29,43,45,55,56,61

Linkletter v Walker (1965)

381 U.S. 618, 629 18,43,45,56

McCardle, Ex Parte (1869)

74 U.S. (7 Wall) 506

7,43,45,56,57,58,60,62,63

McCulloch v Maryland (1819)

17 U.S. 316, 421 5 ,56,63

Maher v Gagne (1980)

448 U.S. 122, 129 60

Maner v Maner (CA5 1969)

412 F 2d 449 18,43,45,56

Marbury v Madison (1803)

5 U.S. (1 Cranch) 137, 177 53,56,63

Matthew v U.S. (1988)

108 S Ct 883 7,17,41,43,44,45,49,56

. . . . .

. . . . .

Melamed v Lake County Nat'l Bank (1984)
727 F 2d 1399 18,25,43,45,56,60

Met-L-Wood Corp., Re (1988)
861 F 2d 1012, 18 BCD 1045
(U.S.) cert den 57 LW 3653
35,43,45,53,56,60

Migra v Warren City Sch. Dist. (1984)
101 S Ct 892
7,14,17,41,43,44,45,48,49,53,56,57,61

Moore v Bay (1931)
284 U.S. 4 7,16,41,43,45,53,56,60

Northern Pipeline v Marathon
(U.S. DEC 24 1982) 101 S Ct 2858, 2867,
2870, 2871, 2880 n.40, 2882
7,8,10,14,16,21,34,41,43,44,45,46,47,
50,51,56,57,58,60,61,62,63

Ochoa v Hernandez y Morales (1912)
230 U.S. 139, 141, 146, 151, 153,
154, 158, 161, 162, 163, 164, 165
7,14,41,43,44,45,48,53,56,61

Oliver, Re (1948)
333 U.S. 257 7,41,43,45,56,60

Paul v U.S. (1963)

371 U.S. 245, 263 55,60

Petrolia Corp. v Elam (1987)

79 BR 686 19,25,43,45,56

Pointer v Texas (1965)

380 U.S. 400 7,17,41,43,45,56

Rankin v Howard (CA9 AZ 1990)

633 F 2d 844

(U.S.) cert den 107 S Ct 2020

17,43,44,45,56,60,61

Reid v Covert (1957)

354 U.S. 1, 16, 17 53,56

Reily v Lamar (1800)

6 U.S. (2 Cranch) 344, 356, 357

17,43,44,45,56,60,61

Shapiro v Thompson (1969)

394 U.S. 618 x,7,43,45,56

Sosa v Fite (CA5 Tex 1975)

498 F 2d 114 18,43,45,56

S.R.A., Inc. v Minnesota (1946)

327 U.S. 550, 562 26,43,45,52,53,56

. . . . .

Terry v Anderson (1877)

95 U.S. 628 14,43,45,56

Thomas v Union Carbide etc. (1985)

473 U.S. 568, 584, 588, 589

41,43,45,47,56

Thompson v City of Louisville (1960)

362 U.S. 257 17,41,43,45,56

Tumey v Ohio (1927)

273 U.S. 510, 532 7,18,43,44,45,56,60

United Mineworkers v Gibbs (1966)

383 U.S. 715 12,16,17,22,25,43,45,56

U.S. Air Duct Corp., In re (1981)

8 BR 848, 851 19,43,45,56

U.S. v Carver (1923)

260 U.S. 482, 490 7,43,45,56,61

U.S. v Cornell (CCD RI 1820)

25 Fed Cases 650, 653 53,56

U.S. v Guest (1966)

383 U.S. 745, 758, 759

ix,7,18,43,45,56,60

. . . . .

. . . . .

U.S. v Humberto Alvarez-Machain (CA9 1991)
946 F 2d 1466 (U.S.) cert granted
US SC NO.91-712 JUNE 15, 1992
60 LW 4523, 4524, 4527, 4531, 4531
v,7,43,45,56,60

U.S. v Raddatz (1980)
477 U.S. 667 7,34,43,45,56,62

U.S. v Ritter (1976)
540 F 2d 459
(U.S.) cert den 429 U.S. 951
41,43,45,56

U.S. v Throckmorton (1878)
98 U.S. 61, 66
xviii,7,43,45,56,57,60,61

Van Dusen v Barrach (1964)
376 U.S. 612, 639 ix,7,43,45,56

Wagner v Fawcett Publications, Inc.
(7th Cir 1962) 307 F 2d 409, 412
ix,xx,63

Whitney v Robertson (1988)
124 U.S. 190, 194 42,43,44,45,56

. . . . .

World-Wide Volkswagen Corp. v Woodson
(1980) 444 U.S. 286, 292, 293 60
Young, Ex Parte (1908)
209 U.S. 123 53,56,60,63

CALIFORNIA

Atkinson v Superior Court (Cal 1959)
49 C 2d 388, 316 P 2d 960
(U.S. app dism 357 U.S. 569 (1959)
26,43,45,56

MISCELLANEOUS

American Institute of Marketing etc.
v Willard Realty Co. (1970)
173 S.E. 2d 775 19,43,45,56
13 Elizabeth 1 Ch.5 (1570) English
common law [U.S. codified as Uniform
Fraudulent Conveyance Act (1918)]
42,43,45,53,56,63
Motor Vehicles Accident I.C.
v Nat'l Grange M.I. Co. (1970)
224 N.E. 2d 869 19,43,45,56
Rodgers v Williamson (Tex Civ App 1982)
482 S.W. 2d 665 19,43,45,56

INTERNATIONAL

Danzig, Jurisdiction of the Courts of
I.C.J. Series B no.15 p.17 (1928)
14,43,45,56,60

18 Amer Jour Internat'l Law pp.147, 159,
160 14,43,45,56,60

South-West Africa Cases
I.C.J. Reports 1966 pp.284-316
[I.C.J. Judge Tanaka quoting Brown v
Board of Education (1954), supra.]
14,43,44,45,49,56,60,61

oOo

TABLE OF AUTHORITIES

U.S. CONSTITUTION — PAGES

ARTICLE I — i,6,70-A to 71-A

ART.I

§1 cl.1 [Congress makes"P.LAWS" .]
6,26,32,42,43,46,56,60,62,70-A

§8 cl.1 [Congress-"general welfare"]
6,26,32,42,43,45,56,63,70-A

§8 cl.4 [Uniform laws-Bankruptcies.]
6,20,21,27,32,43,45,51,56,63,70-A

§8 cl.9 [establishes ART.I Courts.]
6,43,45,56,63,70-A

§8 cl.10 [enforces "LAW OF NATIONS"]
6,43,45,56,70-A

§8 cl.17 ["U.S. property" clause.]
6,43,45,56,60,70-A,71-A

§8 cl.18 [necessary and proper "LAW"]
6,43,45,56,63,71-A

§9 cl.3 [NO TITLE OF NOBILITY,U.S.]
6,20,21,27,32,43,45,51,56,63,71-A

§10 cl.1 [No STATE Title of Nobility]
6,20,21,27,32,43,45,51,56,63,71-A

ARTICLE II i,6,72-A

ART.II

§1 cl.1 [Executive Power-President]
6,43,45,56,58,59,62,63

§2 cl.2 [President "with "Advice and Consent of Senate shall appoint ...Judges...other Officers of the U.S....but Congress may by law vest the Appointment in the Courts of Law...in Heads of Departments"]
6,43,45,56,58,59,62,63

ARTICLE III i,6,73-A

ART.III

§1 [definition of ART.III "Judge", "Court" DEC 24, 27, 1982,OCT 25,1983]

§2 cl.1.1 [Cases "arising under" the U.S. Constitution.]

§2 cl.1.2 [appellate jurisdiction of U.S. Courts.]

§2 cl.1.3 [Cases "arising under" "Laws of the U.S., and Treaties made".]

§2 cl.1.4 [..., or (which Laws and Treaties) shall be made...]
6,20,21,26,33,42,43,45,51,56,60

ARTICLE IV i,6,74-A

ART.IV §2 cl.1 ["privileges and immunities" clause]

§3 cl.2 ["U.S. property" clause.]
6,20,42,43,45,56,60,63

ARTICLE VI i,6,75-A

ART.VI cl.2, cl.3
[...(U.S.) Constitution...Laws of the United States...all Treaties made...shall be the supreme Law of the Land...all... judicial Officers...of the U.S. of the several States shall be bound by Oath or Affirmation to support the Constitution...]
6,20,21,42,43,45,47,50,51,56, 58,60,61,62,63,64

. . . . .

U.S. CONSTITUTION AMENDMENTS

First Amendment 76-A

Fourth Amendment 76-A

Fifth Amendment 76-A

Sixth Amendment 77-A

Seventh Amendment 77-A

Eighth Amendment 77-A

Ninth Amendment 77-A

Tenth Amendment 78-A

Thirteenth Amendment 78-A

Fourteenth Amendment 79-A

i,6,20,21,26,34,43,45,47,48,49,51,56,60,

61,62,63,64,65

UNITED NATION CHARTER (TREATY)

UNIVERSAL DECLARATION OF HUMAN RIGHTS

"LAW OF NATIONS" i,6,80-A to 86-A

Articles

1, 2, 3, 4 80-A

5, 6, 7, 8 81-A

9, 10, 11 82-A

12, 13, 14 83-A

15, 17, 18 [16 omitted herein] 84-A

19, 20, 23, 26 85-A

28, 30 86-A

5,6,21,43,45,49,56,60,61,62,63,64,65

Articles 55, 102 i,21,43,45,56,65

FEDERAL STATUTES

11 USC CHAPTER 7

i,9,10,11,12,16,17,31,32,33,43,
45,47,49,50,51,52,56,57,58,65

11 USC CHAPTER 13

i,9,10,11,31,32,33,43,45,47,51,
52,56,65

11 USC 101 et seq

i,11,12,13,43,45,50,51,52,56,65

11 USC 105

i,11,12,13,43,45,51,52,65

11 USC 362 i,57,65

11 USC 363(m)(n) i,50,56,65

11 USC 548(a)(2)

i,12,13,42,43,45,50,51,52,56,65

. . . . .

. . . . .

. . . . .

15 USC 1601 et seq [Reg.Z, 12 CFR 226 "Truth-in-Lending Act" ("TILA")] i,12,21,43,45,56,65

15 USC 1634(a)(b) i,12,21,43,45,56,65

22 USC 287(c) [U.S. United Nations Participation Act] i,6,43,45,56,65

28 USC 157(b)(2)(H) i,50,51,52,56,65

28 USC 1254(1) i,5,43,45,56,65

28 USC 1291, 1292, 1293(b) i,37,43,45,56,65

28 USC 1331, 1334(a)(b)(d), 1332, 1337, 1361[and 1391(e)(1)(2)(3)(4)] i,12,20,21,43,45,56,65

28 USC 1391(e)(1)(2)(3)(4) [and 28 USC 1361] [Mandamus and Venue Act of 1962 (as amended 1975)] i,13,16,21,27,28,29,31,43,44,45,52,56,65

28 USC 1406(a) i,30,35,43,45,56,65

28 USC 2075 i,13,27,43,45,56,65

28 USC 2201, 2202 i,20,43,45,56,65

. . . . .

. . . . .

28 USC 1471 [subject matter jurisdiction of ART.I "Judges", "Courts"] of the Bankruptcy Reform Act of 1984 -- repealed DEC 24,1982 by Northern Pipeline, supra 101 S Ct 2858, 2867, 2870, 2871, 2880 n.40, 2882 -- effective DEC 24, 1982 (DEC 27,1982, DEC 29, 1982, OCT 25, 1983 ART. I ORDERS, USBC C CA NULL & VOID ab initio, ART. I Judges Russell, Elliott, et al amenable to suit herein.)

i,7,43,45,56,61,62,63,64,65

Federal Judgeship Act of 1984 and Bankruptcy Amendments [104 Stat. at Large 5098, P.L.101-650, Title II §203(b), §202(b); 98 Stat. at Large 347, 348, P.L.98-353]

effective DEC 01, 1990 (DEC 27,1982, DEC 29, 1982, OCT 25, 1983 ART.I ORDERS, USBC C CA, ART.I Judges Russell, Elliott, et al amenable.)

i,7,43,45,56,61,62,63,64,65

FEDERAL RULES, 28 USC

RULES OF BANKRUPTCY PROCEDURE PART VII

ADVERSARY PROCEEDINGS

Rule 7001 Scope Of Rules Of Part VII

i,13,16,21,22,23,27,30,31,32,33,34,

41,44,45,46,47,51,52,56,61,62,63,64,65

Rule 6009 Prosecution...Of Proceeding By...Debtor In [Constructive] Possession

i,13,16,21,22,23,27,30,31,32,33,34,

41,44,45,46,47,51,52,56,61,62,63,64,65

Rule 7003 Commencement of Adversary Proceeding [28 USC 1409 authorizes filing of Complaint in any U.S. District Court.]

i,13,16,21,22,23,27,30,31,32,33,34,

41,44,45,46,47,51,52,56,61,62,63,64,65

Rule 7004 Process; Service of Summons,Complaint (b) Service by First Class Mail, (d) Nationwide Service of Process, (f) Summons; Time Limit for Service ["...If a summons is

not timely delivered or mailed, another summons shall be issued and served."]

i,13,16,21,22,23,27,30,31,32,33,34,
41,44,45,46,47,51,52,56,61,62,63,64,65

FEDERAL RULES OF APPELLATE PROCEDURE

FRAP Rules 30(f), 31(b), 32(a)

i,37,43,45,56,65

FEDERAL RULES OF CIVIL PROCEDURE

FRCP Rules 4(a), 4(c)(2)(C)(ii), 4(d)(1), 4(d)(3), 4(d)(4), 4(d)(6), 4(e)(f) [in pari materia RULES OF BANKRUPTCY PROCEDURE Rules 7001, 7003, 7004 (b)(d)(f), 6009, supra.]

i,22,27,35,43,45,56,65

FRCP Rule 7(b)(1) [FED DEFS OCT 09, 1985 EX PARTE MOTION FOR ENLARGEMENT OF 60 DAYS TO FILE FRCP 12 (a) ANSWER before USDC AZ Walter E. Craig (WEC), C.D.#61]

i,61,62,63,64,65,6-A,7-A,13-A,14-A,58-A

FRCP Rule 12(a), 12(b)(3)

[OCT 04, 1985 FED DEFS "28 USC 1391" MOTION TO CHANGE VENUE TO USDC C CA Was Not, Is Not A FRCP Rule 12(b)(3) MOTION TO DISMISS.]

i,61,62,63,64,65,6-A,7-A,13-A,14-A

FRCP Rules 18(a)(b), 19(a)(b), 20(a)(b), 21 JOINDER-CLAIMS-PARTIES

i,16,22,43,45,56,64,65,12-A,20-A,21-A

FRCP Rule 38(a)(b)(d) JURY TRIAL

i,6,43,45,56,65,33-A,34-A,35-A,78-A,79-A

FRCP Rule 41(b) [Involuntary] DISMISSAL OF ACTION

i,6,43,45,56,64,65,2-A,3-A,4-A,12-A,13-A,14-A,15-A,32-A,33-A,34-A,35-A

USDC AZ LOCAL RULES.

Local Rule 38 Dismissal for Want of Prosecution

i,6,43,45,56,64,65,32-A,33-A,34-A,35-A

(1985) Local Rule 6(b)(c) Non [AZ] Resident Attorneys [COLLINS,ESQ., RAGLAND,ESQ.]

i,6,43,45,56,61,62,63,64,65,

12-A,20-A,21-A,22-A,36-A,37-A

CALIFORNIA

California Torts Claims Act §815(2)(b)

i,22,43,45,56,65

SECONDARY AUTHORITIES

20 Am Jur 2d Courts §97 (1965)

58,61,62,63,64,65

32A Am Jur 2d Federal Practice & Procedure §1246-1247 (1987)

26,43,45,56,61,62,63,64,65

Collier on Bankruptcy [¶3.01] at 3-49 (15th ed. 1979)

19,43,45,56,61,62,63,64,65

Wright, C.A., The Law of Federal Courts §19 (4th ed. 1987)

26,43,45,56,61,62,63,64,65

oOo

-END PAGE-

TABLE OF CASES

TABLE OF AUTHORITIES

-xxvi- to -1-

PETITION FOR WRIT OF CERTIORARI

[CV90-16602]

TO THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

-0-

NO._____

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1992

NO.A-310

GWENDOLYN L. KING
aka GWENDOLYN L. GREENE aka GWEN GREENE

Plaintiff/Appellant/Petitioner

v.

HON. BARRY RUSSELL, HON. PETER ELLIOTT
Article I Bankruptcy Consultant Judges
in their official capacities
as Federal Agents, employees
UNITED STATES BANKRUPTCY COURT OF
CENTRAL CALIFORNIA
AND IT'S FEDERAL AGENTS, EMPLOYEES
in their official capacities
JACK WAGNER, BERNADINE GORDON
USBC C CA CLERKS,
ELSIE DAVIS, JAMES JOSEPH, ESQ.,
USBC C CA CHAPTER 13, 7 TRUSTEES,

HON. MANUEL REAL
Article III Presiding Judge
in his official capacity
as Federal Agent/Supervisor, employee
UNITED STATES DISTRICT COURT OF
CENTRAL CALIFORNIA

CAPRICE L. COLLINS, ESQ.,
KAREN A. RAGLAND, ESQ.,
PHAEBRA CROFT

LONNIE & SIMA KAPLAN
Husband & Wife,
MARCUS & EDNA TODD
Husband & Wife,
Non-Bona Fide Purchasers/Possessors
of the home and land
Bankruptcy Trust Estate of
11 USC CHAPTER 7 Petitioner
GWENDOLYN L. KING
per SEPT 14, 1983
NOTICE OF LIS PENDENS filed in the
Office of the L.A. County Recorder,

DELOY EDWARDS, Realtor/Agent,

GREST WESTERN SAVINGS & LOAN INC.,
a Federal Savings & Loan **AND IT'S AGENTS,**

THE STATE OF CALIFORNIA AND IT'S AGENTS,
THE COUNTY OF LOS ANGELES AND IT'S AGENTS,
THE CITY OF LOS ANGELES AND IT'S AGENTS,

ET AL

AND ALL AS AGENTS/CO-CONSPIRATORS
OF THE REMAINING DEFENDANTS

Defendants/Appellees/Respondents

CIVIL NO.90-16602

ON WRIT OF CERTIORARI TO THE

UNITED STATES COURT OF APPEALS FOR THE

NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

To the Honorable Chief Justice, and Associate Justices of the Supreme Court of the United States:

GWENDOLYN L. KING aka GWENDOLYN L. GREENE aka GWEN GREENE, PETITIONER In Pro Se ("PETITIONER"), respectfully prays that a Writ of Certiorari issue from the Supreme Court of the United States to review the Judgment and PER CURIAM Opinion of the United States Court of Appeals for the Ninth Circuit entered in this proceeding on MAY 11, 1992.

OPINIONS BELOW

The MAY 11, 1992 PER CURIAM Opinion of Ninth Circuit Judges GOODWIN, FLETCHER, BRUNETTI, is reported as King etc. v Russell, Elliott, USBC C CA, USDC C CA, et al, 963 F 2d 1301 [CV90-16602] (CA9 1992) and appears herein in the APPENDIX, page 1-A, annexed hereto.

. . . . .

. . . . .

The AUGUST 09, 1990 Final MEMORANDUM OPINION of Trial Judge PAUL G. ROSENBLATT of the United States District Court of Arizona at Phoenix ("USDC AZ") CIV85-1698PHX-PGR(WEC) King etc. v Russell, Elliott, USBC C CA, USDC C CA, et al, supra, is unpublished and appears in the APPENDIX, page 13-A.

JURISDICTION OF THE SUPREME COURT

The MAY 11, 1992 PER CURIAM Opinion of the Court of Appeals for the Ninth Circuit was entered on that date. APPENDIX, page 1-A .

A timely PETITION FOR REHEARING AND SUGGESTION OF REHEARING EN BANC (28 USC 46(c), FRAP 35, 40) was denied, rejected by ORDER entered on AUGUST 06, 1992. APPENDIX, page 46-A.

A timely NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES (28 USC 1254(1), U.N. CHARTER (TREATY), UNIVERSAL DECLARATION OF HUMAN RIGHTS "LAW OF NATIONS", S Ct Rule 18) was served and filed herein

by PETITIONER on AUGUST 24, 1992, and appears in the APPENDIX, page 48-A .

On OCTOBER 06, 1992, PETITIONER had served and filed in the Supreme Court of the United States, an APPLICATION FOR EXTENSION OF TIME TO SERVE AND FILE PETITION [FOR WRIT OF CERTIORARI] ((28 USC 2101(c), S Ct Rules 13.6, 22, 29.5(c), 34).

On OCTOBER 15, 1992, an ORDER OF THE SUPREME COURT, /s/(Mrs.J.)Sandra D. O'Connor was entered herein A-310, granting PETITIONER an extension of time from November 04, 1992 to and including December 04, 1992 to serve and file the PETITION FOR WRIT OF CERTIORARI, and said PETITION is timely served and filed herein. APPENDIX, page 50-A .

The jurisdiction of the Supreme Court of the United States is invoked herein pursuant to 28 USC 1254(1), the UNITED NATIONS CHARTER (TREATY) UNIVERSAL DECLARATION OF HUMAN RIGHTS "LAW OF NATIONS", Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,

15, 16, 17, 18, 19, 20, 23, 26, 28, 30; 22 USC 287(c) [U.S. United Nations Participation Act]. A COPY of said U.N. CHARTER (TREATY) "LAW OF NATIONS, Articles 1 through 20* inclusive, 23, 26, 28, 30 appears in the APPENDIX, page 80-A . *16 omitted herein.

U.S. CONSTITUTION PROVISIONS

The provisions of the United States Constitution, Statutes, the above described U.N. CHARTER (TREATY) "LAW OF NATIONS" are set forth verbatim in the annexed APPENDIX, and/or cited in the text as follows:

ART.I page 70-A, ART.II page 72-A, ART.III page 73-A, ART.IV page 74-A, ART.VI page 75-A, 1st AMENDMENT page 76-A, 4th AMENDMENT page 76-A, 5th AMENDMENT page 76-A, 6th AMENDMENT page 77-A, 7th AMENDMENT page 77-A, 8th AMENDMENT page 77-A, 9th AMENDMENT page 77-A, 10th AMENDMENT page 78-A 13th--14th AMENDMENT page 79-A.

CASES IN QUESTIONS FOR REVIEW

"FEDERAL CASE LAW GOVERNANCE"

SEE: TABLE OF CASES, supra:

Northern Pipeline v Marathon 101 S Ct 2858, 2867, 2870, 2871, 2880, 2882; Bradley v Fisher, Ex Parte McCardle, Hagner v U.S., Reily v Lamar, Ochoa v Hernandez y Morales, Clyatt v U.S., Tumey v Ohio, Chevron Oil Co. v Huson, Brown v Bd. of Education, Ex Parte Bakelite, Ex Parte Young, Coder v Arts, U.S. v Guest, Shapiro v Thompson, Camp v Gress, Van Dusen v Barrack, Migra v Warren City School Dst., U.S. v Carver, Liberation News Service v Eastland, U.S. v Throckmorton, U.S. v Humberto Alvarez-Machain, Hawes v Club Escuestre El Comandante, King et al v California et al 784 F 2d 910, 912¶1, Re Gibbs, Ananko v Harsanji, Chase & Sanborn-Re, Blonder-Tongue,Johnson v Zerbst, Pointer v Texas, Re Oliver, Crowell v Benson, U.S. v Raddatz, Matthew v U.S., Curry v Pyramid.

STATEMENT OF CASE(S)

1. PREFATORY STATEMENT OF RELATED BANKRUPTCY/CLASS ACTION CASES OF PETITIONER

Prefatory to the Court's consideration of the instant Case, King etc. v Russell, Real, USDC C CA, USBC C CA, et al, supra, PETITIONER respectfully requests the Court to take Judicial Notice of the **STATEMENT OF CASE** in the **JURISDICTIONAL STATEMENT, APPENDICES,** in the following related Bankruptcy/Class Action Cases of PETITIONER, in the official records, files, of the United States Supreme Court, for a full and fair understanding of the issues presented herein -- or, in the alternative, upon a subsequent **MOTION FOR LEAVE TO USE APPENDIX AND RECORD IN US SC NO.84-695, US SC NO.87-229** more fully described infra -- or in the discretion of the Court, said APPENDICES and certified records be ordered returned from the Ninth Circuit, sua sponte:

. . . . .

[GWENDOLYN L.] King et al v USDC C CA, Real, USBC C CA, Russell, Elliott, et al ex rel Integrity Home Loan Co., Inc., Kap-Lans, et al (CA9 1984) (U.S.) app summ dism 469 U.S. 1100 (1985) rehrg den 470 U.S. 1089 (1985) US SC NO.84-695 53 LW 695 12-11-84;

[GWENDOLYN L.] King et al v California et al (CA9 1986) 784 F 2d 910, 912¶1 (U.S.) cert den 483 U.S. ___(1987)rehrg den 484 U. S. ___ (1987) US SC NO.87-229 56 LW 3186;

[GWENDOLYN L.] King et al v Kaplans et al (CA9 1987)[NINTH CIRCUIT NO.CV84-5762, unpublished Opinion of Circuit Judges SCHR-OEDER, NELSON, NORRIS dated September 25, 1987] US SC NO.A-476, NO.A-642 40 COPIES, FEES,separate CERTIFICATE OF SERVICE "Re-ceived US SC APR 12 (?)1988 LW APP-ENDIX, page 51-A. NO DISPOSITION. SEE: Lett-er dated JULY 21, 1988, /s/ [HON.] Dennis DeConcini, United States Senator, APPENDIX page 52-A .

The following 11 USC CHAPTER 13, 7, ORDERS are the genesis of all Cases herein. Curry, supra; Northern Pipeline, supra 101 S Ct at 2878; King et al v California, supra 784 at 912¶1: ORDER DEC 29,1982, /s/Barry Russell, USBC C CA; ORDER OCT 25,1983, /s/Peter Elliott, USBC C CA. APPENDIX, pages 43-A, 40-A .

11 USC CHAPTER 13 ADVERSARY COMPLAINT/ COUNTER-COMPLAINT NO.LAX82-43130: Integrity, Inc., Kaplans v King aka Greene, Elsie Davis, CHAPTER 13 Trustee -- King aka Greene v Integrity,Inc., Kaplans (Breach of Contract, Slander of Title, violation of Civil Rights 28 USC 1334, 42 USC 1983, Lack of subject matter jurisdiction), MOTION TO DISMISS. [COUNTER-COMPLAINT and MOTION not answered. No one present on DEC 27,1982 except PETITIONER and Judge RUSSELL in USDC/USBC C CA.] APPENDIX, page 43-A .

11 USC CHAPTER 7 ADVERSARY NO.SA83-2194PE Integrity, Inc., Kaplans v King aka Greene [CHAPTER 7 Trustee JAMES JOSEPH,ESQ. un-named] dismissed JULY 11,1983 -- no Service of Process.

2. STATEMENT OF CASE

King etc. v Russell, USBC C CA et al

963 F 2d 1301 (1992)

a. Nature of Case

As stated hereinabove 1. PREFATORY STATEMENT TO RELATED BANKRUPTCY CASES AND CLASS ACTION CASES OF PETITIONER, for a full and fair understanding of the instant Case, King etc. v Russell, Elliott, ART.I Bankruptcy Consultant Judges, USBC C CA, Real, USDC C CA, et al, the Court is respectfully requested to take Judicial Notice of it's official records, files, in said related Cases: King et al v USDC C CA, Real, et al, supra; King et al v California, supra; King et al v Kaplan, et al, supra. Gallagher v Frye (CA9 1980) 631 F2d 127.

The instant Case, as individual claims, is "related" and/or "arising under" 11 USC 101 et seq, Northern Pipeline, supra; 28 USC 1334, and 11 USC 105(grants a Federal Court authority to "issue any order, pro-

cess, or judgment that is necessary or appropriate to carry out the provisions of this title [Title 11, 101 et seq, 11 USC 548(a)(2)]" to protect 11 USC CHAPTER 13, 11 USC CHAPTER 7 Bankruptcy Trust Estate in the custody of the United States, from disintegration to the benefit of one sole alleged Creditor, RESPONDENT(S) Lonnie & Sima Kaplan, husband and wife -- in any Federal tribunal having jurisdiction under 28 USC 1331, 1332, 1334, 1337, 1361, 42 USC 1981, 1983, 1985, 1986, 1988, 1994; 15 USC 1601 et seq, 15 USC 1634(a)(b) RESCISSION OF TRUST DEED NO.4267, L.A. COUNTY RECORDER, United Mineworkers v Gibbs, supra.

Inasmuch as the the subject matter of the instant case is grounded in 28 USC 1334 [11 USC 101 et seq, 11 USC 105, 11 USC 548 (a)(2)] the applicable personal jurisdiction over RESPONDENTS is that for a Federal question Case, not a "minimum contacts" Case grounded upon diversity jurisdiction.

Insurance Corp. of Ireland, Ltd. v Compagnie des Bauxites de Guinee (1982) 456 U.S. 694;

Allard v Benjamin (In re DeLorean Motors Co.) (BC ED Mich 1985) 49 BR 900;

Chemical Bank v Grisby's World of Carpet (In re WWG Industries, Inc.) (ND Ga 1984)

On JULY 19, 1985, when PETITIONER filed the instant Case, King etc. v Russell, USBC C CA, USDC, Real, et al, in the USDC NO.CIV85-1698PHX-PGR(WEC) there was and is now, both subject matter and personal jurisdiction over RESPONDENTS according to existing Federal Statutes: 28 USC 1334 [11 USC 101 et seq, 11 USC 105, 11 USC 548 (a)(2), 28 USC 1391(e)(1)-(4), FRCP Rule 4(e) and Bankruptcy Rules 6009, 7001, 7004 (a)(b)(d)(f) are Orders of Court pursuant to 28 USC 2075]. The MAY 11, 1992 PER CURIAM Opinion of Ninth Circuit Judges

GOODWIN, FLETCHER, BRUNETTI, is *contra* to the existing Federal Statutes and Case law on JULY 19, 1985, and unconstitutionally retroactive. APPENDIX, page 1-A .

Chevron Oil Co. v Huson (1971) 404 U.S. 97, 106, 147;

Billings v U.S. (1914) 232 U.S. 261, 282;

Cameron v U.S. (1914) 231 U.S. 710, 720;

Ochoa v Hernandez y Morales (1913) 230 U.S. 139;

Terry v Anderson (1877) 95 U.S. 628;

Bradley v Fisher (1871) 13 Wall 335, 351-352;

INTERNATIONAL LAW: Jurisdiction of Danzig, supra; South-West Africa Cases, supra; 18 A.J.I.L. pp.147, 159-160.

The Federal issues herein are not *res judicata*, according to Federal law herein. *Migra v Warren City Sch. Dist. (1984)* 101 S Ct 892.

BEST AVAIL

The COMPLAINT filed JULY 19, 1985, verified FIRST AMENDED COMPLAINT filed AUGUST 12, 1985, USDC AZ NO.CIV85-1698PHX-PGR(WEC) [NINTH CIRCUIT NO.CV90-16602], King etc. v Russell, Elliott, USBC C CA, Real, USDC C CA et al, supra, is a COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, DECLARATORY AND INJUNCTIVE RELIEF, PRELIMINARY AND PERMANENT INJUNCTION, RESCISSION AND CANCELLATION OF DEFUNCT R & T CO., INC. TRUSTEE'S DEED NO.4267 [recorded in the Office of the Los Angeles County Recorder on or about DEC 01, 1983--PETITIONER NOTICE OF LIS PENDENS recorded therein on or about SEPT 10, 1983, no U.S. COURT TRUSTEE'S DEED ever recorded.], and pendent and ancillary causes of action [abuse of process, invasion of privacy, assault and battery, malicious prosecution, false arrest and imprisonment, unfair business practices, negligence, conversion, wrongful withholding of property, to set aside fraudulent conveyance of Bankruptcy Trust Estate,

ABLE COPY

forcible entry, Mandamus and Venue--28 USC 1361, 1391(e) of the Mandamus and Venue Act of 1962 (as amended 1975); constructive trust upon all rents, profits, from the"sale"of PETITIONER'S 11 USC CHAPTER 7 Bankruptcy Trust Estate, real property for no cash -- approximate current value of some $250, 000.00 (TWO HUNDRED THOUSAND DOLLARS); preliminary and permanent injunction against RESPONDENTS State, County, City, administation of 11 USC CHAPTER 7 Bankruptcy Trust Estate in lieu of the USDC, U.S. Court Trustee, Moore v Bay(1931) 284 U.S. 4] -- are brought under United Mineworkers v Gibbs, supra, FRCP Rules 18(a)(b), 19(a)(b), 20(a)(b), 4(e)(f) in pari materia Bankruptcy Rules of Procedure, PART VII, Rules 6009, 7001, 7004(a)(b)(d)(f) as ORDERS OF COURT pursuant to 28 USC 2075. APPENDIX, page 16-A .

Blonder-Tongue, supra; Chemical Bank, supra; Northern, supra 101 S Ct at 2867,2880;

Migra, supra; Gallagher, supra; Re Chase & Sanborn, supra; Re Ochoa, supra; Ananko, supra; Re Herrera, supra; Pointer v Texas, supra; Thompson v City of Louisville, supra; King et al v California et al, supra (1986) 784 F 2d 910 at 912¶1, to wit:

> "King filed a [11 USC] chapter 7 bankruptcy [liquidation] petition [1983, SA83-017093PE, In re King aka Greene aka Gwen Greene] and on July 7 (sic)[July 11] 1983, obtained a discharge of [all] her debts in bankruptcy. Title to King's home [and land] remains vested in the [11 USC CHAPTER 7 Court] bankruptcy trustee*." Id. at 912¶1(1986) (EMPHASIS ADDED.)*RESPONDENT Joseph

United Mineworkers v Gibbs, supra; Matthew v U.S., supra; Rankin, supra;

Carnegie-Mellon Univ. v Cohill (1988) 108 S Ct 614;

U.S. v Raddatz (1980) 477 U.S. 667;

Henderson v Kibbe (1978)

431 U.S. 145, 152;

U.S. v Guest (1966)

383 U.S. 745, 758, 759;

Linkletter v Walker (1965)

381 U.S. 618, 629;

Hansberry v Lee (1940)

311 U.S. 32, 40, 41, 44;

Crowell v Benson (1932)

285 U.S. 22;

Tumey v Ohio (1927)

273 U.S. 510;

Davis v U.S. (1987 CA9 Cal)

820 F 2d 1038;

Melamed v Lake County Nat'l Bank (6th Cir

1984) 727 F 2d 1399;

Howerton v Gabica (1983 CA9 Idaho)

708 F 2d 380;

Sosa v Fite (1975 CA5 Tex)

498 F 2d 114;

Maner v Maner (5th Cir 1969)

412 F 2d 449;

Bartle v Markson (2nd Cir 1966)
357 F 2d 517;
Curry v Pyramid Life Ins. Co. (1959)
271 F 2d 1;
Petrolia Corp. v Elam (In re Petrolia)
(BC ED Mich 1987) 79 BR 686;
Baker's Equipment/Winkler, Inc. v
Galasso (In the Matter of Baker's
Equipment/Winkler, Inc.)
(BC NJ 1983) 33 BR 307;
In re U.S. Air Duct Corp. (1981)
(BC ND NY 1981) 8 BR 848, 851;
Rodgers v Williamson (Tex.Civ.App.1972)
482 S.W. 2d 665;
American Inst. of Marketing etc.
v Willard Realty Co. (1970)
277 N.C. 230, 176 S.E. 2d 775;
Motor Vehicles Accident I.C.
v Nat'l Grange M.I. Co. (1967)
19 N.Y. 2d 115, 224 N.E. 2d 869;
SEE: Collier on Bankruptcy [¶3.01]
at 3-49 (15th ed. 1979).

b. Federal Jurisdiction (and Venue)
in USDC AZ NO.CIV85-1698PHX-PGR(WEC)
King etc. v Russell, Elliott, USBC C CA et al
JULY 19, 1985

The JULY 19, 1985 Federal jurisdiction (and Venue) Statutes cited in the verified COMPLAINT filed JULY 19, 1985, and in the verified FIRST AMENDED COMPLAINT filed AUGUST 12, 1985, USDC AZ NO.CIV85-1698PHX-PGR (WEC) King etc. v Russell, Elliott, USBC C CA, Real, USDC C CA, et al, supra, appear therein under "JURISDICTION", CIVIL DOCKET ("C.D.") no.1, no.2, pp.3-5, as follows:

"JURISDICTION (C.D. no.2, pp.3-5)

1. 28 USC 1332 (Diversity p.3)

2. 28 USC 2201, 2202 (Declaratory Judgment and Relief, Preliminary and Permanent Injunction p.3)

3. 28 USC 1331 (Arising under the U.S. Constitution: ART.I §§8.4, 9.3, 10.1; ART.III: ART.IV §2.1; ART.VI; the FIRST, FOURTH, FIFTH, SIXTH, SEVENTH, EIGHTH,

THIRTEENTH, FOURTEENTH, AMENDMENTS OF THE U.S. CONSTITUTION p.4)

4. 28 USC 1331, 28 USC 1332, 28 USC 1334 Arising"under Federal Law, Northern Pipeline v Marathon 102 S Ct 2858 (2880, 2867,2882) (1982)," and"under ART.I, ART. III, ART.VI ." [verbatim in 1st A/C.]p.4

5. 28 USC 1331, 28 USC 1332, U.N. CHARTER (TREATY) of 1945, Articles 1, 55, 102 p.4)

6. 28 USC 1331, 28 USC 1332, 42 USC 1981, 42 USC 1983, 42 USC 1985, 42 USC 1986, 42 USC 1988, 42 USC 1994 p.4)

7. 28 USC 1331, 28 USC 1332, 28 USC 1337, 15 USC 1601 et seq, Truth-in-Lending Act ("TILA"), Regulation Z, 12 CFR 226, 15 USC 1634(a)(b) (Rescission of Trust Deeds violative of TILA on the Bankruptcy Trust Estate, home and land of PETITIONER pp.4-5)

8. 28 USC 1331, 1332, 28 USC 1361 [Mandamus and Venue Act of 1962 (as amended

1975)] in effect and valid law on JULY 19, 1985 at time PETITIONER filed verified COMPLAINT (C.D. no.1) and AUGUST 12, 1985 when she filed verified FIRST AMENDED COMPLAINT (C.D. no.2) p.5)

[APPENDIX, page 56-A]

9. 28 USC 1331, 1332, 42 USC 1988, (Pendent causes of action under United Mineworkers v Gibbs, supra. p.5)

[Pendent causes of action listed hereinabove pages 13-14, pages 21-22.]

10. 28 USC 1331, 28 USC 1332, CALIFORNIA TORTS CLAIMS ACT §815(2)(b) p.5)"

All of the RESPONDENTS listed in the Caption were served with SUMMONS or ALIAS SUMMONS and FIRST AMENDED COMPLAINT pursuant to FRCP, Rules 4(a), 4(d)(1), 4(d)(3), 4(d)(4), 4(d)(6), 4(e)(f) , 18(a)(b), 19(a), 20(a), Rule 21 in pari materia Bankruptcy Rules of Procedure PART VII ADVERSARY PROCEEDINGS, BR 7001 Scope of Rules of Part VII

"An adversary proceeding is governed by

the rules of this Part VII. It is a proceeding:

(1) to recover money or property...;

(2) to determine the validity, priority or extent of a lien or other interest in property...

(7) to obtain an injunction or other equitable relief;

(9) to obtain a declaratory judgment relating to any of the foregoing..."

BR Rule 7004 PROCESS; SERVICE OF SUMMONS, COMPLAINT

"(a) Summons, Service; Proof of Service. FRCP applies in adversary proceedings...

(b) Service by First Class Mail. In addition to the methods of service authorized by...FRCP service may be made within the United States by first class mail postage prepaid...

(d) Nationwide Service of Process
The summons and complaint and all other process except a subpoena may be served anywhere in the United States.

(f) Summons: Time Limit for Service. ...If service is made by any authorized form of mail, the summons and complaint shall be deposited in the mail within 10 [ten] days following issuance of the summons. If a summons is not timely delivered or mailed, another summons shall be issued and served."

BR Rule 7003 COMMENCEMENT OF ADVERSARY PROCEEDING, 28 USC §1409 authorizes the filing of the COMPLAINT in another district.

. . . . .

. . . . .

. . . . .

BR Rule 6009 PROSECUTION...OF PROCEEDING BY ...DEBTOR IN [CONSTRUCTIVE] POSSESSION

King et al v California et al, supra (9th Cir 1986) 784 F 2d 910 at 912¶1.

"With or without court approval, the debtor in [constructive] possession may prosecute...or commence and prosecute any action or proceeding on behalf of the estate before any tribunal."

Re Chase & Sanborn, supra; Ananko, supra; United Mineworkers v Gibbs, supra; Melamed, supra; Petrolia Corp., supra; Bartle, supra; Allard, supra; Chemical Bank, supra; Insurance Corp. of Ireland, Ltd., supra; Carnegie-Mellon Univ., supra; Baker's Equipment/Winkler, Inc., supra;

Hartley Pen Co. v Lindy Pen Co. (SD Cal 1954) 16 F.R.D. 141

aff'd sub nom Kimberly Corp. v Hartley Pen Co. (9th Cir 1956) 237 F 2d 294;

S.R.A. Inc. v Minnesota (1946)

327 U.S. 550, 562;

Broder v Natoma Water Co. (1879)

101 U.S. 274;

Freeman v Howe (1860)

65 U.S. (24 How.) 450;

American Insurance Co. v Canter (1828)

26 U.S. (1 Pet.) 511, 541;

Reily v Lamar (1800)

6 U.S. (2 Cranch) 344, 356-357;

Atkinson v Superior Court (Cal 1957)

49 C 2d 388, 316 P 2d 960,

(U.S.) app dism 357 U.S. 569 (1959);

ART.I §8 cl.1, ART.III §2, the FIRST,

FOURTH, FIFTH, SIXTH, SEVENTH, TENTH,

THIRTEENTH, FOURTEENTH, AMENDMENTS

OF THE U.S. CONSTITUTION;

SEE: 32A Am Jur 2d Fed Pract & Proc.

§1246-1247 (1987); C.A. Wright,

The Law of Federal Courts §19 (4th

ed. 1987).

. . . . .

Neither the May 11, 1992 PER CURIAM Opion of Ninth Circuit Judges GOODWIN, FLETCHER, BRUNETTI, nor the August 09, 1990 Final MEMORANDUM OPINION of USDC AZ Judge PAUL G. ROSENBLATT, make clear why the special venue Statutes of ART.I §8 of the U.S. CONSTITUTION, Bankr. Rules 6009, 7001(1)(2)(7), 7004(d)(f), FRCP 4(e)(f) [28 USC 2075] are inapplicable to PETITIONER'S July 19, 1985 COMPLAINT in USDC AZ NO.CIV 85-1698PHX-PGR(WEC) King etc. v Russell, USBC C CA, et al, supra, to wit:

> May 11, 1992 PER CURIAM Opinion of the Ninth Circuit:
>
> "[2] The district court properly rejected King's contention that the venue provisions applicable to bankruptcy court provisions govern this case. The district court was also correct in concluding that 28 USC 1391(e) does not bear on this action...

That section provided at the time King filed her suit that 'civil action in which a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority ... [may] be brought in any judicial district in which (1) a defendant in the action resides, or (2) the cause of action arose, or (3) any real property is situated, or (4) the plaintiff resides if no real property is involved in the action.' Because Great Western Bank does some business in Arizona...and because federal defendants are named in this action, section [28 USC] 1391(e) as read literally would appear

to support venue in the District of Arizona. However, while this court has not ruled on the question...We agree [in 1992] with the Second and Fifth Circuits [Liberation News Service v Eastland, supra, 426 F 2d at 1383, 1384; Duplantier v U.S. (5th Cir 1979) 606 F 2d 654 cert den 449 U.S. 1076 (1981)] and conclude that [28 USC] §1391(e) does not apply here [July 19, 1985] as the federal defendants are all officers of the bankruptcy court. The general provisions of [28 USC] §1391(b) are thus determinative of proper venue in this case."
APPENDIX, page 1-A .(EMPHASIS ADD.)

August 09, 1990 MEMORANDUM OPINION of USDC AZ Judge PAUL G. ROSENBLATT:

"...The Court now formerly finds that this action should be dis-

missed pursuant to FRCP 12(b)(3) and 28 USC 1406(a) because the District of Arizona is not the proper venue of this action and a transfer of this action to a district [USDC C CA, USBC C CA] in which venue would be proper would not be in the interest of justice. The Court makes this finding notwithstanding the fact that plaintiff filed a notice of appeal with the Ninth Circuit Court of Appeals on March 30, 1990 and assertedly has an appeal or a petition for a writ of certiorari pending before the U.S. Supreme Court stemming from her initial notice of appeal filed on November 13, 1985...

The Court initially notes that this action, notwithstanding plaintiff's persistent contentions

to the contrary, is simply not a bankruptcy adversary proceeding as that term is defined in Bankruptcy Rule 7001 [quoted verbatim hereinabove pages 22 through 26, inclusive], nor is it any other kind of proceeding arising under Title 11 or so related to a Title 11 proceeding so as to make it governed by special bankruptcy statutes or rules affecting personal jurisdiction, service of process, venue, etc. [NO citations given. (C.D. no.2 "JURISDICTION" pp.3-5)hereinabove on pages 20 through 26, inclusive.] * * * If the record clearly establishes anything, it is that the only connection whatsoever between this action and the District of Arizona is that the plaintiff resides here..." APPENDIX, pages 13-A,22-A .

c. Course of Proceedings in the USDC AZ

King etc. v Russell, Elliott, USBC C CA et al

USDC AZ NO.CIV85-1698PHX-PGR(WEC)

The CIVIL DOCKET ("C.D.") contains items listed from 1985 to 1990, over 188 items. PETITIONER is constrained herein by page limitation to list them all, and seeks only to list those relevant to granting a Petition for Writ of Certiorari herein and/or may be cited in the REASONS FOR GRANTING THE WRIT, infra; and further germane to issues raised in the MAY 11, 1992 PER CURIAM Opinion of Ninth Circuit Judges GOODWIN, FLETCHER, BRUNETTI. APPENDIX, page 1-A .

The relevant CIVIL DOCKET entries from JULY 19, 1985 to AUGUST 09, 1990, 188 items, are cited here by C.D. nos., and appear in the annexed APPENDIX, page 56-A .

FEDERAL DEFENDANTS/RESPONDENTS ("FED RESPONDENTS") ART.I Bankruptcy FED RESPONDENTS: Russell, Elliott, USDC/USBC C CA, Wagner, Gordon, DAVIS, CHAPTER 13 Court

Trustee, JOSEPH, ESQ.,CHAPTER 7 Court Trustee, ART.III Real, USDC C CA, et al; and

NON-FEDERAL DEFENDANTS/RESPONDENTS ("NON-FED RESPONDENTS"), all had,have -- "minimum contacts" with the 11 USC CHAPTER 7 Bankruptcy Trust Estate of PETITIONER and/or with PETITIONER, and with the SISTER STATE OF ARIZONA and the UNITED STATES: NON-FED RESPONDENTS, Collins, Esq., Ragland, Esq., Croft, Edwards, Realtor -- LONNIE & SIMA KAPLAN, husband and wife [NON-BONA FIDE PURCHASERS (September 14, 1983 NOTICE OF LIS PENDENS filed in the OFFICE OF THE L.A. COUNTY RECORDER by PETITIONER)]-- MARCUS & EDNA TODD, husband and wife [NON-BONA FIDE PURCHASERS/POSSESSORS], Great Western Sav. & Loan, Inc., a Federal Sav. & Loan, and it's Agents, employees ("GREAT WESTERN"), the STATE OF CALIFORNIA and it's Agents, employees, political subdivisions ("the STATE"), the County of Los Angeles and it's Agents, employees, and it's political sub-

division ("the COUNTY"), the City of Los Angeles CA and it's Agents, Agencies, employees, officers ("the CITY"), the Los Angeles Police Department and it's Agents, Agencies, officers, employees ("the CITY" or "the LAPD"). Northern Pipeline, supra; Re Chase & Sanborn, supra; Bartle, supra; Ananko, supra; Carnegie-Mellon Univ., supra; Chemical Bank, supra; Baker's Equipment, supra; U.S. v Raddatz, supra;

Re Met-L-Wood Corp. (1988 CA7 Ill)
861 F 2d 1012, 18 BCD 1045
(U.S.) cert den 57 LW 3653

C.D. no.1, JULY 19, 1985, verifed COMPLAINT filed, COVER SHEET MARKED X404,FEDERAL QUESTION 28 USC 1334, C.D. no.2 AUGUST 12, 1985, verified FIRST AMENDED COMPLAINT X404, FEDERAL QUESTION JURISDICTION 28 USC 1334 ("JURISDICITON" pp.3-5 set forth hereinabove pages 20 through 26, inclusive), COVER SHEET and TITLE PAGE endorsed "DEMAND FOR JURY TRIAL".

d. Federal Jurisdiction in Ninth Circuit

King etc. v Russell, Elliott, USBC C CA et al

Ninth Circuit No.CV90-16602

963 F 2d 1301 (CA9 AZ 1992)

On AUGUST 09, 1990, USDC AZ Judge PAUL G. ROSENBLATT sua sponte issued his Final MEMORANDUM ORDER dismissing all DEFENDANTS, served and unserved, pursuant to FRCP Rule 12 (b)(3), 28 USC 1406 without Noticed Hearing to PETITIONER and or the NON-FED RESPONDENTS STATE, COUNTY,CITY, who all had Noticed Hearings set for after AUGUST 09,1990 (C.D. no.187) and a concomittant Final Judgment was entered on AUGUST 09, 1990 (C.D. no.188). APPENDIX, pages 13-A, 36-A .

The FED RESPONDENTS had no FRCP Rule 12 (b) MOTION TO DISMISS pending before USDC AZ Judge PAUL G. ROSENBLATT on AUGUST 09, 1990. On AUGUST 12, 1985, the FED DEFENDANTS were served in their official capacities pursuant to FRCP Rule 4(d)(4), and in their individual capacities, FRCP 4(c)(2)

(C)(ii) requesting acknowledgement of Service of Process over the FED RESPONDENTS in their individual capacities by U.S. CERTIFIED MAIL, and no acknowledgements were returned -- therefore the USDC AZ had jurisdiction over the FED DEFENDANTS in their official capacities, only, not in their individual capacities; AND PETITIONER is not confused as to the difference as suggested by USDC AZ Judge PAUL G. ROSENBLATT (C.D. no. 109, NOV 04,1985 MEMORANDUM OPINION & ORDER), and the FED RESPONDENTS Opening Brief ("FED OP.BRF") pages 18, 19, 20) which was served and filed in Ninth Circuit No.CV90-16602 on or about September 23, 1991 without Service on anyone else except PETITIONER.

On AUGUST 14, 1990, PETITIONER had served, and filed in the USDC AZ NO.CIV85-1698 PHX-PGR(WEC) King etc. v Russell, Elliott, USDC/USBC C CA, Real, et al, a timely NOTICE OF APPEAL TO THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT (C.D. no.189) and she

paid DOCKET FEES of $70.00 on AUGUST 14,1990.

On JUNE 28, 1991, PETITIONER had served FED RESPONDENTS and NON-FED RESPONDENTS a COPY of APPELLANT'S OPENING BRIEF ("APP OP BRF") pages 1-50, and pursuant to a previous ORDER of the Ninth Circuit, FRAP Rule 30(f), 31(b), 32(a) granting PETITIONER'S MOTION(S) TO FILE TYPEWRITTEN BRIEF (Original plus 3 COPIES), TO HEAR APPEAL ON THE ORIGINAL RECORD IN LIEU OF 5 COPIES OF EXCEPTS REQUIRED BY NINTH CIRCUIT RULE 30-1.1, PETITIONER filed an Orignal plus 3 COPIES timely in Ninth Circuit No.CV90-16602, hereinabove described.

Federal Jurisdiction in APP OP BRF was and is based on 28 USC 1291, 28 USC 1292, 28 USC 1293(b).

Only two NON-FED RESPONDENTS served and filed APPELLEES OPENING BRIEFS("N-F APP OP BR") N-F CITY APP OP BRF on JULY 31, 1991, N-F GREAT WESTERN APP OP BRF on JULY 30,1991. N-F STATE, COUNTY, COLLINS, ESQ., RAGLAND,

ESQ., CROFT, EDWARDS Realtor, KAPLANS, TODDS, did not serve and file N-F APP OP BRFS. PETITIONER filed no REPLY BRIEF.

On JANUARY 17, 1992, Ninth Circuit No. CV90-16602 was submitted to be heard without Oral Argument.

On MAY 11, 1992, Ninth Circuit Judges GOODWIN, FLETCHER, BRUNETTI, filed the PER CURIAM Opinion, which is the subject Opinion under review herein. APPENDIX, page 3-A, 4-A , page 5-A , page 6-A .S Ct No.A-310.

On MAY 19, 1992, PETITIONER had served and filed a timely PETITION FOR REHEARING AND SUGGESTION OF REHEARING EN BANC (28 USC 46(c), FRAP 35, 40) which was denied, rejected, by ORDER entered AUGUST 06,1992. APPENDIX, page 46-A .

On AUGUST 24, 1992, PETITIONER had serv- and filed in Ninth Circuit No.CV90-16602, [USDC AZ NO.CIV85-1698PHX-PGR(WEC)] a timely NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES. APPENDIX, page 48-A .

REASONS FOR GRANTING A WRIT OF CERTIORARI

TO THE NINTH CIRCUIT COURT OF APPEALS

King etc. v Russell, USDC/USBC C Ca et al

963 F 2d (CA9 AZ 1992)

1. INTRODUCTION

PETITIONER is a Black American of African descent, born 1930 in Memphis, Tennesse. Her mother was a college graduate in the 1920's from what is now Hampton University in Virginia.

In 1948, PETITIONER graduated from a Chicago ghetto high school that had one Bunsen burner in it's Chemistry Lab.

In 1953, PETITIONER received a B.A. degree in English/Latin/French from the University of Illinois in Urbana, where at that time, Blacks would not be served in the town restaurants.

In 1953, PETITIONER'S first professional job was at the University of Southern California Doheny Library, and her second job from 1955 to 1974 was as a Teacher/

Chairperson of Foreign Languages.

In 1971, at age 41 years, as a result of a Dansforth Fellowship, PETITIONER became the first Black person to receive an M.A. degree from UCLA School of Journalism. Her M.A. Thesis "Richard Wright as Black Journalist" is on file at UCLA and the University of Missouri School of Journalism.

In 1975, at age 45 years, PETITIONER began night Law School in Los Angeles CA, and for 4 years (three nights a week, Saturday mornings, including Summers) she attended -- except in 1978 PETITIONER and her 17 year old son lived in Paris, France where she studied and received a Certificate in International and Comparative Law.

In 1979, PETITIONER received a J.D. law degree from Peoples College of Law in Los Angeles CA, accredited by the State, and specifically began by the National Lawyers Guild for minorities, women, the "disadvantaged".

. . . . .

The commitment of Peoples College of Law school graduates, is "to make a difference" in the lives of colored minorities, women, and otherwise "disadvantaged persons" including "the poor" via legal court process and proceedings, of which Bankruptcy Proceedings are "public rights" designed "to protect" "the poor". Northern Pipeline, supra 101 S Ct at 2869-2870, 2871, Rankin, supra; Johnson v Zerbst, supra; U.S. v Ritter, supra; Pointer v Texas, supra; Re Oliver, supra; Thompson v City of Louisville, supra; Blonder-Tongue Labs, supra; Maner, supra; Rodgers v Williamson, supra; Ochoa v Hernandez y Morales, supra; Migra, supra; Clyatt v U.S., supra; Moore v Bay, supra;

Matthew v U.S. (1988) 108 S Ct 883;

Commodities Futures, etc. v Schor (1986) 106 S Ct 3245, 3251, 3252;

Thomas v Union Carbide etc. (1985) 473 U.S. 568, 584, 588-589;

. . . . .

Ex Parte Bakelite Corp. (1929)
279 U.S. 438, 451, 458, 459;
Coder v Arts (1909)
213 U.S. 223, 242-243 [quoting
English common law 13 Elizabeth 1 Ch.
5 (1570);
Uniform Fraudulent Conveyance Act (1918)
[Restatement of 13 Elizabeth, supra];
11 USC 548(a)(2) ART.I §8, cl.1; ART.IV
§3, cl.2, ART.III, ART.VI, cl.2,U.S.Const.
Geoffrey v Riggs (1890)
133 U.S. 258, 266;
Chee Chang Ping v U.S. [Chinese Exclu-
sion Case] (1889) 130 U.S. 581,600;
Whitney v Robertson (1988)
124 U.S. 190, 194).

In 1980, at the age of 50 years, after her graduation from Peoples College of Law, hereinabove described, PETITIONER worked as a Legal Aid Intern Attorney, and appeared in all State and Federal courts in California on behalf of indigent persons -- until 1982

when most Government funded Legal Aid Offices were shut down.

PETITIONER has never been charged with or convicted of a Felony, nor been on Welfare.

All of the foregoing reasons, laws, Statutes, U.N. CHARTER (TREATY) "LAW OF NATIONS", supra, pages 1 through 42, inclusive, are applicable to PETITIONER and others similarly situated who "bought into the American system" as a social contract insuring him/her/them that if they were law abiding citizens/residents of the United States, no one could and/or would violate his/her/Their Civil Rights, Human Rights; and if anyone did, that person would be accountable in some American court including this U.S. Supreme Court. U.S. v Humberto Alvarez-Machain (1992) 60 LW 4533.

Clearly, if only two U.S. District Cts. USDC/USBC C CA and USDC AZ are legal Venues in King etc. v Russell, Elliott, Real,

USDC/USBC C CA, et al, supra, the U.S. District Court of Central California could not constitutionally assume jurisdiction, and the USDC AZ was and is constitutionally the proper USDC as of JULY 19, 1985 under the 1985 Mandamus and Venue Act of 1962 (as amended 1975) 28 USC 1361, 28 USC 1391(e).

The AUGUST 09, 1990 MEMORANDUM OPINION of USDC AZ Judge PAUL G. ROSENBLATT, the MAY 11, 1992 PER CURIAM Opinion of Ninth Circuit Judges GOODWIN, FLETCHER, BRUNETTI, should be REVERSED as unconstitutionally infirmed and retroactive. Tumey v Ohio, supra; Chevron Oil Co., supra; Northern Pipeline, supra 101 at 2867; Rankin, supra; Matthew v U.S., supra; Coder v Arts, supra; Geoffrey v Riggs, supra; Chee Chang Ping v U.S., supra; Whitney, supra; Migra, supra; Chemical Bank, supra; Baker's Equipment, supra; Clyatt v U.S., supra; Ochoa, supra; Commodities Futures, supra; South-West Africa Cases, supra.

2. ARGUMENT

a. The Opinions Below Are So Repugnant To The Doctrine Of "Public Laws","Public Rights Of The Poor", So Unconstitutionally Infirmed And Retroactive, Both Should Be Reversed As A Matter Of Federal And International Law.

PETITIONER refers to each and every paragraph, citation, Statutory and Case law, hereinabove, pages 1 through 44, inclusive, and incorporates them herein by reference, in support of 2.ARGUMENT infra.

A vested "Public Law" in the Sovereign United States is to be exercised for the interest and benefit of the Public at Large. "PUBLIC LAW" relates to the U.S. Constitution, and the functions of National Government Officers over PUBLIC OWNERSHIP of 11 USC CHAPTER 7 Trust Property in custodia legis of the UNITED STATES -- as is PETITIONER'S home and land, currently.

King et al v Cal (1986), supra at 912¶1.

In 1982, this Supreme Court held in a precedent setting Case, Northern Pipeline, supra, effective DEC 24, 1982, that the non-ART.III Bankruptcy Court, ART.I Administrative Law Court, USBC C CA (FED RESPONDENTS herein) could not exercise ART.III-judicial power as then constituted under then 28 USC 1471 in it's entirety, under the Bankruptcy Reform Act of 1978.

As recently as 1986, this Supreme Court reiterated it's DEC 24, 1982 Decision in Northern Pipeline, supra, to wit:

> "The Court's holding [in Northern Pipeline, supra] establishes... that Congress may not vest in a non-Art.III court [ART.I USBC C CA et al, FED RESPONDENTS herein] the power to adjudicate, render final judgment, and issue binding orders in a traditional contract action arising under state law, without the consent of the litigants, and

subject to ordinary appellate review. (EMPHASIS ADDED.)

Thomas v Union Carbide etc., supra (1985) 473 U.S. 568, 584 accord: Commodities Futures etc.,supra (1986) 106 S Ct 3245, 3251.

The parameters of the Doctrine of "PUBLIC RIGHTS OF THE POOR" are set forth fully in this Court DEC 24, 1982 final Decision in Northern Pipeline, supra 101 S Ct 2858, 2870, 2871, 2875, 2876, 2877, 2878, 2879, and were and are clearly applicable to PETITIONER'S "Public Rights" in USBC C CA ADVERSARY CASES, DEC 29,1982 ORDER, /s/Barry Russell, USBC C CA, NO.LAX 82-43130BR, APPENDIX,page 43-A ,11 USC CHAPTER 7 Discharge JULY 11, 1983, no claims allowed, SA83-2194PE ADVERSARY COMPLAINT Dismissed for Lack of Service of Process. Ex Parte OCT 25 1983 ORDER,/s/Peter Elliott, USBC C CA NO.SA83-2194PE, APPENDIX, page 40-A. No Service of Process, again.

Curry v Pyramid, supra; Hansberry v Lee, supra; Ex Parte Bakelite, supra 279, U.S. 438, 458, 459; Migra, supra; Ochoa v Hernandez y Morales, supra.

In Ochoa, supra, an ORDER of a Military Governor of Porto Rico reduced from 20 yrs. to 6 yrs. the time period when Title by Adverse Possession could be recorded and made the ORDER retroactive. At the time of the ORDER the 6 yr. period had run against the Plaintiffs (as PETITIONER'S instant Case) without giving them an opportunity to vindicate their rights under Title as opposed to mere possession by the Defendants. THE COURT held that the Military Governor's ORDER was a denial of "Due Process", because it was retroactive impairment of vested property rights of the Plaintiffs -- that the ORDER invalidly took land from the Plaintiffs and gave it to the Defendants (as to RESPONDENTS Kaplans, Todds herein).

The MAY 11, 1992 PER CURIAM Opinion of Ninth Circuit Judges GOODWIN, FLETCHER, BRUNETTI is analogous in effect and in denial of "Due Process" of the 5th Amendment, of the the U.S. Constitution, and further purports to be an "injunction" against further attempts of PETITIONER with valid vested Title in her 11 USC CHAPTER 7 Bankruptcy Trust Estate, above described, to regain Possession by legal, constitutional, court process. APPENDIX, page 38-A . King et al v California, supra 784 F 2d 910, 912¶1; Ochoa, supra; Migra, supra; Matthew v U.S., supra; South-West Africa Cases, supra; U.N. CHARTER (TREATY) "LAW OF NATIONS", supra.

Clearly the MAY 11, 1992 PER CURIAM Opion of the Ninth Circuit, above described is unconstitutionally infirmed and retroactive -- and represents a dangerous Precedent to the "PUBLIC RIGHTS OF THE POOR" and violation of "PUBLIC LAWS" of 11 USC

101 et seq, 11 USC CHAPTER 7, 11 USC 363(m) (n), 11 USC 548(a)(2), 28 USC 157(b)(2)(H) inter alios.

b. In The Instant Case The Doctrine Of "PUBLIC LAWS", "PUBLIC RIGHTS OF THE POOR" Are Governed By The Public Laws of the U.S. Constitution, And Northern Pipeline, supra (effective DEC 24, 1982) 101 S Ct 2858, 2867, 2880, 2882, in pari materia The U.N.CHARTER "LAW OF NATIONS", supra

In Northern Pipeline, supra, this Court did not find it a "Public Rights" Case, Id. at 2870, 2871, merely a private dispute of the parties, although Northern, supra, argued that a Discharge in Bankruptcy was a "Public Right." The Court stated:

> "[I]t suffices to observe that a matter of public rights must at a minimum arise 'between the government and others' [Ex parte Bakelite, 279 U.S. 438 at 451, 459]..."

The instant Case, King aka Greene v Russell, Elliott, USBC C CA, Real, USDC C CA, et al, supra, does arise "between the government and others" -- the FED RESPONDENTS, STATE, COUNTY, CITY, LAPD RESPONDENTS, and their Agents, USDC/USBC C CA, are the "Government" and besides PETITIONER, "the others" are "the poor", "the weak", "those untutored in law who can not afford Attorneys at law" to press their Case as far as this Supreme Court of the United States.

The "PUBLIC LAWS" that the Ninth Circuit is bound to observe as their "PUBLIC DUTY" in making decisions that affect Public Rights, are: the U.S. Constitution, ART.I §8, §9.3, ART.III §§1,2, ART.IV §§ 1,2 cl.1, §3 cl.2, ART.VI, the 1st, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 13th, 14th, Amendments -- AND, Northern Pipeline, supra (effective DEC 24, 1982) 101 S Ct 2858, 2867, 2880, 2882, U.N. CHARTER "LAW OF NATIONS", supra; 28 USC 1334(a)(b)(d); Title 11.

c. The "Claim" Of Petitioner, In The Instant Case, King aka Greene v Russell, Elliott, Real, USDC/USBC C CA et al, supra, "Arose" On DEC 27, 1982, In The USDC/USBC C CA "A Federal Enclave" Pursuant To ART.I §8 cl.1, Reily v Lamar, supra; S.R.A. v Minnesota, supra; Therefore Said "Claim" "Arose" In All 50 States,And On JULY 19, 1985, The Mandamus And Venue Act of 1962 (as amended 1975) Was Applicable, Valid, And Constitutionally, USDC AZ Venue Was And Is Proper. Tumey v Ohio, supra.

In effect a "Federal enclave" is excised from a STATE, COUNTY, CITY--geographical extraterritoriality; and exclusive Federal jurisdiction over ART.I property, including 11 USC CHAPTER 7 Bankruptcy Trust Estate(s) is custodia legis of the United States (all 50 STATES) wherever the property may be in the world. The STATE, COUNTY, CITY, LAPD, and their Agents have no legal jurisdiction in Administration of Title 11,USC.

Baker's Equipment,Inc.,supra;Reily v Lamar, supra; S.R.A. v Minn., supra; Re Met-L-Wood, supra; Re Chase & Sanborn, supra; Ochoa, supra; Geoffrey v Riggs, supra; King et al v California et al, supra (CA9 1986) 784 F2d 910, 912§1; Migra, supra; Moore v Bay, supra; Chemical Bank, supra;

Paul v U.S. (1963) 371 U.S. 245,263;

Reid v Covert (1957) 354 U.S.1,16,17;

Ex Parte Young (1908) 209 U.S. 123;

McCulloch v Maryland (1819) 17 U.S. 316, 421;

Marbury v Madison (1803) 5 U.S. (1 Cranch) 137,177;

U.S. v Cornell (CCD RI 1820) 25 Fed. Cas. 650, 653 (No.14868).

. . . . .

. . . . .

. . . . .

. . . . .

. . . . .

d. Under The "New World Order" The "Global Village" Concept, The Precedent Setting International Law Case Decided By The Supreme Court JUNE 15, 1992, U.S. v Alvarez-Machain, supra, US SC NO.91-712, 60 LAW WEEK 4523, 4524,4527, 4531, 4532, -- The 22 Year Old Case Law Of Liberation News Service v Eastland (2d Cir 1970) 426 F 2d 1379,As Applies To ART.I Administrative Law Judges, RESPONDENTS Herein,Should Be Vacated As Anachronistic Under The "New World Order", The USDC Becoming A "World Court", The USA Becoming "The Capital Of The World", In Effect "Protector".

The MAY 11, 1992 PER CURIAM Opinion of Ninth Circuit Judges GOODWIN, FLETCHER, BRETTI, APPENDIX, page 1-A , if allowed by this Supreme Court, would place an onerous burden on PETITIONER and others similarly situated, who are only required to read U.S. Statutes literally, in their plain, unambiguous words, to go to the House and

Senate Reports and try subjectively to gleam "Congressional intent" behind said Statutes, as did Second Circuit Judge Friendly, in 1970, Liberation News Service, supra, an almost impossible task for PETITIONER, and others similarly situated, especially "the poor". U.S. v Alvarez-Machain, supra.

Further, the MAY 11, 1992 Opinion of the Ninth Circuit, would require PETITIONER and others similarly situated, not only to know the Case law of the Ninth Circuit, all they are required to know when filing their COMPLAINT(S) --but the Case law of the ten other Circuits -- and further be a prophet in knowing which other Circuit Case Law the Ninth might use de novo in their instant Case, without opportunity to respond except by PETITIONER FOR WRIT OF CERTIORARI herein, an almost impossible task for "the poor". Charleston v U.S. (1971 CA9 Cal) 444 F 2d 504 (U.S.) cert den; Cross v Bruning (CA9 1969 Cal) 413 F 2d 678 cert den.

e. Under The U.N. Charter (Treaty) "LAW OF NATIONS" Arts. 1-20, 23, 26, 28, 30, The JUNE 15, 1992 Precedent U.S. S Ct Decision U.S. v Humberto Alvarez- Machain, supra, US SC No.91-712 60 LW 4523 at 4527 Last Two Paragraphs Of Plurality Opinion -- The Instant Case King aka Greene v Russell, Elliott, USDC/USBC C CA et al, supra Is A "Case Of First Impression".

PETITIONER refers to each and every paragraph, law, citation, herein above, pages 1 through 55, inclusive, and incorporates them herein. Northern Pipeline, supra.

On the morning of DEC 27, 1982, in the USDC/USBC C CA, both ART.III Judge MANUEL REAL and ART.I Administrative Law Judge BARRY RUSSELL knew or should have known that none had subject matter jurisdiction in Adversary Case No.LAX82-43130BR, above described -- and BARRY RUSSELL stated he had no subject matter jurisdiction therein -- and the same for ART.I Administrative Law Judge

PETER ELLIOTT on OCT 25, 1983, in Adversary Case No.SA83-2194PE, Ex Parte ORDER noted "Default" when in fact the same numbered Case had been dismissed for lack of Service of Process, minutes before Discharge of all PETITIONER'S Debts, in 11 USC CHAPTER 7 Bankruptcy No.SA83-01703PE, In re King aka Greene and NO CLAIMS AGAINST PETITIONER'S CHAPTER 7 Bankruptcy Trust Estate were allowed on JULY 11, 1983, Date of Discharge -- ON OCT 25, 1983 NO 11 USC 362 STAY was in effect and the Ex Parte ORDER NO.83-2194PE was and is a nullity. Neither of said ORDERS are res judicata to the Federal Issues herein. Northern Pipeline, supra; Migra, supra; King et al v California et al, supra at 784 F 2d 910, 912¶1; Maner, supra; Rodgers v Williamson, supra; Rankin, supra; U.S. v Throckmorton (1878) 98 U.S. 61,66;

As early as 1869 in Ex Parte McCardle, 74 U.S. (7 Wall) 506, the Supreme Court stated that an ORDER made without Subject

matter jurisdiction is,VOID ab initio, as are the above described "ORDER(S)" of ART.I Administrative Law Judges BARRY RUSSELL, PETER ELLIOTT, to wit:

> "Without [subject matter] jurisdiction the court [USDC/USBC C CA] cannot proceed at all in any cause. ...when it [subject matter jurisdiction] ceases to exist, the only function remaining to the [USDC/USBC C CA] court is that of announcing the fact and dismissing the cause ...'when an Act of the legislature is repealed [DEC 24, 1982 28 USC 1471 by Northern Pipeline, supra 102 S Ct 2858 at 2878, 2879; Commodities Futures etc. v Schor, supra 106 S Ct 32345, 3258, 3259 ("PUBLIC RIGHTS" Doctrine)]' " Id.

SEE: 20 Am Jur 2d Courts §97 (1965).

This Supreme Court's precedent setting International Law Case U.S. v Alvarez-

Machain, supra 60 LW 4523 at 4527, stated:

> "...The fact of respondent's [Humberto Alvarez-Machain's] forcible abduction [to the United States from Mexico] does not therefore prohibit his trial <u>in a [USDC] court in the United States for violations of the ...laws of the United States.</u>
>
> The judgment of the Court of Appeals [of the Ninth Circuit] is therefore reversed, and the case is remanded for further proceedings not inconsistent with this opinion.
>
> <u>So ordered</u>."

(EMPHASIS ADDED.)

If in fact, a citizen of Mexico can be brought to the jurisdiction and venue of "a [USDC] court in the United States for violation of the...laws of the United States." , the California RESPONDENTS, FED and NON-FED, are properly in the USDC AZ.

Rankin, supra; Northern Pipeline, supra; Curry v Pyramid, supra; Hansberry v Lee, supra; Re Oliver, supra; Thompson v City of Louisville, supra; Throckmorton, supra; U.S. v Guest, supra; Hawes, supra; Re Chase & Sanborn, supra; Chevron Oil Co., supra; Moore v Bay, supra; Ex Parte McCardle, supra; Ex Parte Young, supra; Re Met-L-Wood, supra, Bartle, supra, Melamed, supra; Tumey v Ohio, supra; ART.I, ART.III, ART.IV, ART.VI, the 1st, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 13th, 14th, Amendments of the United States Constitution; U.N. CHARTER (TREATY) "LAW OF NATIONS", supra; South-West Africa Cases, supra; Jurisdiction of Danzig, supra; 18 Amer Journ Internat'l Law pp.147, 159-169;

World-Wide Volkswagen Corp. v Woodson (1980) 444 U.S. 286, 292, 293;

Maher v Gagne (1980) 448 U.S. 122,129;

Re Fietz (1988 CA9 Cal) 852 F 2d 455;

Re Gibbs (1984 BC DC Minn) 44 BR 475.

f. The Federal And International Law Issues Are Neither res judicata Nor "Moot" Nor Does Collateral Estoppel Or Absolute Judicial Immunity Apply To The FED RESPONDENTS Herein--Under The Case Law,Of Migra, supra; Gallagher v Frye, supra; U.S. v Carver, supra, Gray v Sanders, infra; Carafas v La Valle, infra; Blondue-Tongue, supra; Throckmorton, supra, Rankin, supra; Bradley v Fisher, supra; Coder v Arts, supra; AND -- Northern Pipeline, supra; Ochoa v Hernandez y Morales, supra; 28 USC 548(a)(2); South-West Africa Case, supra; Hoines v U.S. (CA9 1947) 165 F2d 504,335 U.S. 297.

(1) The Federal and International Law issues presented herein are neither res judicata nor "moot" nor does Collateral Estoppel or Absolute Judicial immunity apply herein under either Liberation News Service, supra, or Barr v Matteo (1959) 360 U.S. 564; Blonder-Tongue, supra 402 U.S. 313 at 320 n.6; Gray v Sanders (1963)

372 U.S. 376; Carafas v La Valle (1968) 391 U.S. 234.

On DEC 27, 1982, OCT 25, 1983, ART.I Administrative Law Judges were prohibited from ART.III issuance of Final Orders, and their Judicial Authority, Power ceased on DEC 24, 1982 at the repeal of 28 USC 1471 of the Bankruptcy Reform Act of 1978 by Northern Pipeline, supra 101 S Ct 2858, 2867, 2880, 2882; Ex Parte McCardle, supra.

The FED RESPONDENTS simply were not -- 1) "Officers" of any Court, under Northern Pipeline, supra, 2) "Officers" of any Court under Crowell v Benson (1932) 285 U.S. 22, 38,54 , 3) "Officers" of any Court under Raddatz, supra, 4) "Officers" of any Court under the Federal Judgeship Act of 1984 -- and on DEC 27, 1982, OCT 25, 1983, neither ART.I Judge BARRY RUSSELL,PETER ELLIOTT or ART.I Clerks, Trustees, had Absolute, Quasi-Judicial, Qualified, Immunity for clear usurpation of "PUBLIC LAWS" of the USA,

namely -- ART.I §8 cl.1, cl.4, cl.9, cl.10, cl.17, cl.18, §9.3; ART.III §2; ART.IV §2 cl.1, §3 cl.2, ART.VI cl.2; the 1st, 4th 5th, 6th, 7th, 9th, 10th, 13th, 14th, Amendments of the United States Constitution. Marbury v Madison, supra; McCulloch v Maryland, supra; Clyatt v U.S., supra; Northern Pipeline, supra; Ex Parte McCardle, supra; Ex Parte Bakelite, supra; Ex Parte Young, supra; Coder v Arts, supra [quoting 13 Elizabeth Ch.5 (1570) later codified in the United States as the Uniform Fraudulent Conveyance Act (1918)] 213 U.S. 223, 242-243.

(2) The FED RESPONDENTS' U.S. Attorneys did not raise the Immunity defenses herein-above nor did they raise any defenses under FRCP Rule 12(b) -- USDC AZ Judge PAUL G. ROSENBLATT, for the first, raised those issues for the first time in the AUG 09, 1990 MEMORANDUM OPINION -- violative of the above Amendments "LAWS".

(3) FED Defendants have no FRCP 12(b) MOTION: (C.D. no.4--Sept.04,1985, FRCP Rule 8 (a)(e), 37(d), 41(b) MOTION TO DISMISS; C.D. no.52--Oct.09,1985, a "28 USC 1391" MOTION TO CHANGE VENUE (no mention of FRCP Rule 12(b); C.D. no.60-- Oct.08, 1985, FRCP Rule 7(b) Ex Parte MOTION FOR EXTENSION OF 60 DAYS TO SERVE AND FILE AN ANSWER (without Notice to PETITIONER) before gravely ill USDC AZ Judge WALTER E. CRAIG, assessed as "incompetent", in a public report of AZ Attorneys at Law who appeared before him (WEC)--who died shortly thereafter Oct.08,1985 when he granted the Ex Parte FRCP Rule 7(b) MOTION on Oct. 09, 1985, C.D. no.61--and shortly thereafter U.S. Attorney PAUL CORRADINI was fired.) PETITIONER/Plaintiff's REPLY/RESPONSE/OBJECTIONS TO FED RESPONDENTS/Defendants non-FRCP Rule 12(b) MOTIONS, above described: C.D. nos.21,83,87,90,92,96,97,99,101.

Further the KAPLANS did appear therein.

CONCLUSION

For the foregoing reasons, laws and Statutes, of the United States, the United States Constitution and Amendments thereto, the UNITED NATIONS CHARTER (TREATY) DECLARATION OF HUMAN RIGHTS "LAW OF NATIONS," a Writ Of Certiorari should issue from this Supreme Court of the United States to review the MAY 11, 1992 PER CURIAM Opinion of the United States Court of Appeals for the Ninth Circuit, CASE NO.CV90-16602 [US DC AZ CASE NO.CIV85-1698PHX-PGR(WEC)] -- King aka Greene v Russell, Elliott, USBC C CA, Real, USDC C CA, et al (CA9 AZ 1992) 963 F 2d 1301.

November 25, 1992.

Respectfully submitted,

Gwendolyn L. King

GWENDOLYN L. KING, ESQ.
PETITIONER In Pro Se

c/o CENTRAL AVE POSTAL CENTER
3003 North Central Avenue
Suite 121-158
Phoenix Arizona 85012

-END PAGE-

PETITION FOR WRIT OF CERTIORARI

[CV90-16602]

TO THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

oOo

No.

APPENDIX

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1992

NO.A-310

GWENDOLYN L. KING
aka GWENDOLYN L. GREENE aka GWEN GREENE

Plaintiff/Appellant/Petitioner

v.

HON. BARRY RUSSELL, HON. PETER ELLIOTT
Article I Bankruptcy Consultant Judges
U.S. BANKRUPTCY COURT CENTRAL CALIFORNIA
JACK WAGNER, BERNADINE GORDON, USBC CA CLERKS
ELSIE DAVIS, USBC C CA CHAPTER 13 TRUSTEE
JAMES JOSEPH, ESQ., USBC C CA CHAPTER 7 TRUSTEE
HON. MANUEL REAL, Article III Presiding Judge
U.S. DISTRICT COURT CENTRAL CALIFORNIA
in their official capacities as Federal Agents

CAPRICE L. COLLINS, ESQ., KAREN A. RAGLAND, ESQ.,
PHAEBRA CROFT, DELOY EDWARDS, Realtor, Agents

LONNIE & SIMA KAPLAN, MARCUS & EDNA TODD
Non-Bona Fide Purchasers/Possessors
of the home and land, 11 USC CHAPTER 7
Bankruptcy Trust Estate of Petitioner

GREAT WESTERN SAVINGS & LOAN INC. AND AGENTS

THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CITY OF LOS ANGELES
AND THEIR AGENTS, ET AL

Defendants/Appellees/Respondents

CIVIL NO.90-16602

ON WRIT OF CERTIORARI TO THE

UNITED STATES COURT OF APPEALS FOR THE

NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

GWENDOLYN L. KING, ESQ., In Pro Se
c/o CENTRAL AVE POSTAL CENTER
3003 North Central Avenue
Suite 121-158
Phoenix Arizona 85012

November 25,1992

Gwendolyn L. KING, a/k/a Gwendolyn L. Greene, a/k/a Gwen Greene, Plaintiff–Appellant,

v.

Barry RUSSELL, Honorable, State of California, et al., City of Los Angeles, et al., County of Los Angeles, et al., Great Western Savings and Loan Association, Inc., Lonnie Kaplan, Sima Kaplan, Defendants–Appellees.

No. 90–16602.

United States Court of Appeals
Ninth Circuit.

Submitted Jan. 17, 1992.

Decided May 11, 1992.

963 F 2d 1301 (9th Cir. 1992)

Mortgagor brought action against various defendants alleging violation of civil rights laws and Truth in Lending Act. The United States District Court for the District of Arizona, Paul G. Rosenblatt, J., dismissed action. Mortgagor appealed. The Court of Appeals, held that: (1) general venue statute applied, and (2) venue was not proper in the District of Arizona

---

APPENDIX

Gwendolyn L. King, pro se.

Michael R. Arkfeld, Asst. U.S. Atty., Phoenix, Ariz., Daniel G. Stone, Deputy Atty. Gen., Sacramento, Cal., Mary E. House, Deputy City Atty., Los Angeles, Cal., for defendants-appellees.

James F. Polese, Polese, Hiner & Nolan, P.A., Phoenix, Ariz., for Great Western Sav. and Loan Ass'n.

Appeal from the United States District Court for the District of Arizona.

Before: GOODWIN, FLETCHER, and BRUNETTI, Circuit Judges.

PER CURIAM:

Gwendolyn King filed suit in the district court for the District of Arizona in 1985, alleging that a host of defendants, including various judges and officials of the federal bankruptcy court (the federal defendants), the State of California and its Governor and Attorney–General (the State defendants), the City and County of Los Angeles and various officials and employees thereof (the City defendants), and Great Western Bank, had caused her injuries arising out of the foreclosure of a junior mortgage on her home and property in Los Angeles. King sought both to recover possession of her home and to obtain monetary damages for the foreclosure and her subse-

APPENDIX

quent eviction. Different defendants were served at different times during the next five years. All filed motions to dismiss King's complaint as to them. On August 9, 1990, the district court dismissed the action pursuant to Fed.R.Civ.P. (Rule) 12(b)(3) and 28 U.S.C. § 1406(a), holding that venue did not properly lie in the District of Arizona and that to transfer the case to another district would not be in the interests of justice. We affirm.

I.

[1] The general federal venue statute provided, at the time that King filed her suit, that "[a] civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought only in the judicial district where all defendants reside, or in which the claim arose...." 28 U.S.C. § 1391(b) (1982). Since King established federal question jurisdiction in the district court by alleging violations of various federal civil rights laws and of the Truth in Lending Act, 15 U.S.C. § 1635 (1988), this provision applies squarely to her action.

[2, 3] The district court properly rejected King's contention that the venue provisions applicable to bankruptcy court proceedings govern this case. The district court was also correct in concluding that 28 U.S.C. § 1391(e) does not bear on this action. That section provided, at the time

APPENDIX

that King filed her suit, that "[a] civil action in which a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority ... [may] be brought in any judicial district in which (1) a defendant in the action resides, or (2) the cause of action arose, or (3) any real property involved in the action is situated, or (4) the plaintiff resides if no real property is involved in the action." Because Great Western Bank does some business in Arizona and hence could be said to reside there, and because federal defendants are named in this action, section 1391(e) as read literally would appear to support venue in the District of Arizona. However, while this court has not ruled on the question, persuasive authority from other Circuits indicates that § 1391(e) only applies to suits against officers of the executive branch. In *Liberation News Service v. Eastland*, 426 F.2d 1379 (2d Cir.1970), Judge Friendly reviewed the legislative history of § 1391(e) and concluded that in enacting that provision, "Congress was thinking solely in terms of the executive branch, to which alone § 1391(e) has thus far been judicially applied." 426 F.2d at 1384. In doing so, Judge Friendly noted that the legislative reports indicated that Congress' "intention was 'to facilitate review by the Federal courts of administrative actions.'" *Id.* at 1383 (quoting S.Rep.

APPENDIX

No.1992, 87th Cong., 2d Sess. (1962)). In *Duplantier v. United States*, 606 F.2d 654 (5th Cir.1979), *cert. denied*, 449 U.S. 1076, 101 S.Ct. 854, 66 L.Ed.2d 798 (1981), the Fifth Circuit reiterated this conclusion, asserting that to expand § 1391(e)'s scope "beyond the executive branch ... might bring about absurd consequences." *Id.* at 664. We agree with the Second and Fifth Circuits and conclude that § 1391(e) does not apply here, as the federal defendants are all officers of the bankruptcy court. The general provisions of § 1391(b) are thus determinative of proper venue in this case.

[4] There appears no dispute that King's claim arose in the Central District of California, as it centered on her eviction from her house after her home mortgage was foreclosed. There is also no dispute that most of the defendants reside not in the District of Arizona but in California. Indeed, the only connection of Arizona to this suit is plaintiff's current maintenance of residence in Arizona. Thus, under the general venue statute, the District of Arizona is not the proper venue for this action. If the various defendants timely filed objections to King's suit on the grounds of venue, then, the district court acted correctly in dismissing the proceedings against them.

APPENDIX

II.

[5] The federal defendants timely raised venue as a defense to King's action.

[Footnotes omitted.]

King filed her first amended complaint on August 12, 1985 and served the federal defendants with a copy of the complaint and a summons on the same day. On October 4, 1985, the federal defendants filed a Rule 12 motion arguing that venue was improper in the District of Arizona and requesting that the case be transferred to the Central District of California. This motion was filed within the sixty days after service allowed federal defendants under Rule 12. Those defendants did not waive their venue defense by earlier having filed a motion to dismiss that relied on Rules 8(a) and 37(d). Improper venue is waived under Rule 12 only if a defendant moves to dismiss on one or more of the other grounds specified by Rule 12 while failing to raise venue in the same motion. *See* Rule 12(g) and (h).

APPENDIX

Even though the federal defendants originally requested transfer rather than dismissal, the district court did not abuse its discretion by dismissing.[1] 28 U.S.C. § 1406(a) provides that "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." The district court concluded that it would not be in the interests of justice to transfer this case because, among other reasons, King herself expressed no interest in transfer and because "of the fact that the action smacks of harassment and bad faith on the plaintiff's part in that it appears that she filed it here after repeatedly losing on at least some similar claims in California." Memorandum Decision at 7. We previously have approved the latter reasoning in affirming a refusal to transfer an action under § 1406. *See Wood v. Santa Barbara Chamber of Commerce, Inc.*, 705 F.2d 1515, 1523 (9th Cir.1983) ("Justice would not have been served by transferring Wood's claims back to a jurisdiction that he purposefully sought to avoid through blatant forum shopping."), *cert. denied*, 465 U.S. 1081, 104 S.Ct. 1446, 79 L.Ed.2d 765 (1984). We therefore affirm the dismissal of King's action against the federal defendants on the grounds of im-

---

APPENDIX

proper venue.

III.

The State defendants were not served by King until June 4, 1990. On June 27, 1990, they filed a motion to dismiss on grounds of improper venue, sovereign immunity, lack of personal jurisdiction and untimely service. This motion was timely as it was filed within the twenty-three days allowed the State defendants under Rule 12 supplemented by Rule 6(e).[2] Accordingly, we affirm the dismissal of the State defendants for improper venue.

IV.

[6, 7] The City defendants were served at various points between March and June of 1990. They all moved to dismiss King's action for untimely service of process pursuant to Rule 4(j) and for failure to state a claim upon which relief could be granted under Rule 12(b)(6). Their failure to raise the defense of improper venue in conjunction with their 12(b)(6) motion constituted a waiver of that defense. *See* Rule 12(g) and (h). We therefore disagree with the district court that venue is improper as to the City defendants. We affirm the dismissal of those defendants, however, on the grounds of untimely service. Rule 4(j) provides that "[i]f a service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint and the party on whose behalf

APPENDIX

such service was required cannot show good cause why such service was not made within that period, the action shall be dismissed as to that defendant without prejudice upon the court's own initiative with notice to such party or upon motion." King served the City defendants four and a half years after she filed her complaint. She nowhere suggests good cause for her

[Footnotes omitted.]

failure to serve them in a timely fashion. We therefore affirm the district court's dismissal of the City defendants.

. . . . .

. . . . .

. . . . .

. . . . .

. . . . .

. . . . .

. . . . .

. . . . .

APPENDIX

V.

[8] Great Western Bank was served on September 11, 1985 and timely filed a motion to dismiss for improper venue on October 1, 1985. As the district court recognized, however, venue was proper as to Great Western in the District of Arizona under 28 U.S.C. § 1391(c), which provided at the time King filed her action that "[a] corporation may be sued in any judicial district in which it is incorporated or licensed to do business or is doing business, and such judicial district shall be regarded as the residence of such corporation for venue purposes." Great Western, as it conceded below, does business in Arizona.

The district court nevertheless dismissed Great Western because "[n]ot only has the plaintiff not asked that this action proceed separately in this district against Great Western, there is nothing in the record before the Court to establish that the non-resident defendants are non-indispensable parties who could be dismissed from this action in order to preserve proper venue here as to Great Western or as to any other named defendant who may have waived any defense of improper venue or who has not yet raised such a defense.... The plaintiff has in fact taken the contrary position that the federal defendants, for example, are indispensable parties to this action." Memorandum Decision at 4.

APPENDIX

The district court properly recognized that after dismissing some of the defendants for improper venue, it should assess whether under Rule 19 those parties were indispensable to the action, and if so, what the remedy should be. *See Anrig v. Ringsby United*, 603 F.2d 1319, 1324 (9th Cir. 1978) ("[I]f a non-resident, non-indispensable party is listed as a defendant, this will not automatically require dismissal of the entire action for lack of venue but, rather, the non-indispensable party should be dismissed out...."). We agree with the district court that this action cannot proceed as to Great Western alone. Great Western's relationship to King's action is at best tangential. King alleged that her rights under 42 U.S.C. §§ 1981–1986 and the federal Truth–in–Lending Act, 15 U.S.C. § 1635, were violated by the foreclosure of a junior mortgage on her home. Great Western, however, held the senior mortgage, and King did not allege that the Bank had played any part in the foreclosure proceedings or subsequent eviction of which she complains. Great Western would be prejudiced were it required to defend against this action without the presence of other defendants who were more intimately involved in the events giving rise to King's grievances. It would appear impossible, furthermore, for the district court to fashion any form of adequate relief in

APPENDIX

the absence of those defendants. The district court properly concluded that King's action against Great Western required dismissal.

VI.

[9] King named a number of other defendants in her suit, including two couples, the Kaplans and the Todds, who have owned her home subsequent to the foreclosure and her eviction. These parties did not file an appearance in this action. However, the district court properly refused to enter a default judgment against them because there existed no basis for the exercise of personal jurisdiction over them in Arizona. *See Wood v. Santa Barbara Chamber of Commerce, Inc.*, 705 F.2d at 1522 ("Since the court found that it lacked personal jurisdiction over any of the non-Nevada publishers, it was correct in not entering default judgment.").

With respect to all defendants, then, the district court's dismissal of this action is AFFIRMED.

APPENDIX

FILED AUG 09 1990 (C.D. no.187)

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

GWENDOLYN L. KING
aka GWENDOLYN L. GREENE
aka GWEN GREENE,

Plaintiff,

vs.

HON. BARRY RUSSELL,
HON. PETER ELLIOTT,
ART.I Bankruptcy
Consultant Judges,
USBC C CA, et al,

Defendants.

NO.CIV85-1698PHX-PGR(WEC)

MEMORANDUM AND ORDER

The court has pending before it various motions to dismiss

["C.D. no.4-Sept 4 1985 FED DEFENDANTS FRCP 8(a)(e), 37(d), 41(b) MOTION TO DISMISS by Special Appearance.*

C.D. no. 15*"no such mtn filed with ct. as of 9/19/95 CLK NOTE:"]

APPENDIX

(C.D. no.4 not served or filed as of 9/19/85 by U.S. Attorney PAUL CORRADINI, ESQ.--not pending AUG 09, 1990.)

C.D. no.21 PLAINTIFF MOTION TO STRIKE C.D. no.4, Sept 24,1985

C.D. no.23 Kaplan per Collins ESQ. Ragland ESQ. MOTION TO DISMISS (served personally in CA 8/23/85 LONNIE AND SIMA KAPLAN.)9/24/85.

C.D. no. 26, 27, Return of Service on Marcus, Edna todd (served personally in CA 8/23/85)

C.D. no.54, 55, CERTIFICATE OF DEFAULT entered for EDNA TODD, MARCUS TODD Oct. 7, 1985

C.D. no.52 Oct. 04,1985 FED RESPONDENTS "28 USC 1391" MOTION FOR CHANGE OF VENUE (to USDC C CA)

C.D. no.60 Oct. 08,1985 FED RESPONDENTS EX Parte FRCP 7(b) MOTION

APPENDIX

(PAGE 1) and a transfer of this action would not be in the interest of justice.

The Court makes this finding notwithstanding the fact that the plaintiff filed a notice of appeal with the Ninth Circuit Court of Appeals on March 30, 1990 and assertedly has an appeal or a petition for a writ of certiorari pending befor the U.S. Supreme (PAGE 2) Court stemming from her initial notice of appeal filed on November 13, 1985. While normally the filing of a notice of appeal divests the district court of jurisdiction the district court may disregard the purported notice of appeal and proceed with the case, knowing that it has not been deprived of jurisdiction, where the deficiency in a notice of appeal is clear to the district court. Ruby v Sec'y of U.S. Navy 365 F 2d 385, 388-89 (1966 en banc) cert den 386 U.S. 1011 (1967).

APPENDIX

Such is the situation in this case inasmuch as all the orders appealed from are interlocutory orders which are non-appealable despite plaintiff's belief that they are exempt from 28 USC 1291's finality requirement due to the "collateral order" doctrine set forth in Cohen v Beneficial etc. 337 U.S. 541 (1949) the Cohen exception is inapplicable if for no other reason than none of the challenged orders are unreviewable on appeal from a final judgment. Firestone Tire & Rubber Co. v Risjord 449 U.S. 368, 376 (1981).

The Court intially notes that this action, not withstanding the plaintiff's persistent contentions to the contrary, is simply not a bankruptcy adversary proceeding as that term is defined in Bank. Rule 7001, nor is it any other kind of proceeding arising under Title 11 or so related to a Title 11 proceeding so as to

(PAGE 2) to make it governed by special bankruptcy statutes or rules affecting personal jurisdiction, service of process, venue, etc.

The propriety of the venue selected by the plaintiff has been put at issue by several of the defendants. The court has elected (PAGE 3) to resolve this action on this issue rather than on any of the several other issues common to all or virtually all of the defendants on which a dismissal of this action would be appropriately based, such as lack of personal jurisdiction or insufficient and/or late service of process, because the impropriety of the plaintiff's choice of venue is the common defense that was 1st brought to the Court's attention and is the one most clearly established by the record as it now exists. The propriety of venue in this action is governed by

(PAGE 3) 28 USC 1391, the general venue statute, and not, as the plaintiff has at least lately been contending 28 USC 1408 or 1409, which are special venue statutes applicable only to bankruptcy cases under Title 11. Since the plaintiff's 1st amended complaint clearly establishes that this action is founded upon both diversity of citizenship jurisdiction and federal question jurisdiction, the applicable venue statute is [28 USC]1391(b), which provides that actions such as this one "may be brought only in the judicial district where all defendants reside, or in which the claim arose, except as otherwise provided by law." The Court finds that the plaintiff has failed to meet her burden of establishing the appropriateness of venue in this district inasmuch as there is nothing in the record establishing that any

(PAGE 3) of the plaintiff's seventeen claims arose in this district or that all of the fifty named defendants were residents of this district at the commencement of this action. It is in fact clear from the plaintiff's 1st amended complaint that all of the claims arose in California and that all of the defendants were California residents (PAGE 4)at the time the suit was filed.

The most the plaintiff has established is that venue is appropriate in this district as to defendant Great Western Savings & Loan pursuant to 28 USC 1391 (c), which provided at the time this action was commenced that venue was appropriate in any district in which a corporation was doing business. Great Western has conceded in an interrogatory answer that it does business in AZ. This fact does not, however, render improper

(PAGE 4) a dismissal of the entire action for lack of venue. Not only has the plaintiff not asked that this action proceed separately against Great Western, there is nothing in the record before the Court to establish that the non-resident defendants are non-indispensable parties who could be dismissed from this action in order to preserve proper venue here as to Great Western or as to any other named defendant who may have waived any defense of improper venue or who has not yet raised such a defense. See Anrig v Ringsby United 603 F 2d 1319 (9th Cir 1978). The plaintiff has in fact taken the contrary position that the federal defendants, for example are indispensable parties to this action

Dismissal of this action for improper venue is also not rendered improper by the plaintiff's allegation that the

(PAGE 4) defendants Kaplan are aliens for whom venue would be proper in any district pursuant to 28 USC 1391(d). Apart from the fact that the plaintiff has not established the non-indispensability of the non-resident defendants, the plaintiff has not submitted any evidence supporting her theory that the Kaplans may not be U.S. citizens (PAGE 5) despite having five years in which to conduct discovery. The plaintiff has not in fact ever formally responded to the Kaplans' motion to dismiss, a motion which raised the issue of improper venue, despite being twice ordered to do so after the Court denied the plaintiff motion requesting that the Kaplans' motion to dismiss be stricken (Docs.#108 and #153). The Court could therefore properly dismiss the Kaplans from this action pursuant to [AZ] Local Rule 11(i)

APPENDIX

(PAGE 5) regardless of whether venue may be appropriate as to them in this district pursuant to [28 USC] 1391(d).

If the record before the Court clearly establishes anything, it is the only connection whatsoever between this action and the District of AZ is that the plaintiff resides here. Such a connection, however, is insufficient to establish that venue is proper in this district as to any named defendant. While 28 USC 1391(e) is one of the provisions coming within the "except as otherwise provided by law" exception to [28 USC] 1391(b), the fact that the plaintiff resides in this district does not make venue proper here under [28 USC] 1391(e)(4) as the plaintiff contends. The only federal officers, employees or agency who are named defendants in this action are all connected to the judicial branch, i.e.

APPENDIX

bankruptcy court judges, bankruptcy court clerks, bankruptcy trustees and the bankruptcy court itself. It is well established that [28 USC] 1391(e) applies only to officers, employees and agencies of the executive branch and has no application to the judicial or legislative branches of government. Duplantier v U.S 606 F 2d 654, 664 (5th Cir 1979) cert den 449 U.S. 1076 (1981); Liberation (PAGE 6) News Service v Eastland 426 F 2d 1374, 1384 (2nd Cir 1970); 15 Wright, Miller & Cooper, Fed. Prac. & Procedure Jurisdiction §3815 at 162 (1986).

One of the arguments the plaintiff has raised in opposition to the federal defendants request is that the federal defendants have waived any impropriety to venue. the record before the court does not support the plaintiff's argument. To the extent that the plaintiff's argument

(PAGE 6) rests on her contention that the federal defendants defaulted prior to filing their [28 USC 1391] motion, the court has ruled to the contrary in its order denying the plaintiff's motions to strike the federal defendants [FRCP 8(a)(e), 37(d), 41(b) motion to dismiss by special appearance; 28 USC 1391 motion to change venue to USDC C CA; FRCP 7(b) motion for enlargement of 60 days to file an answer] motions.

To the extent that plaintiff's argument rests on a waiver theory pursuant to FRCP 12(g) and (h), no such waiver occurred. While the federal defendants did file a [FRCP 8(a)(e),37(d),41(b)] motion to dismiss the 1st amended complaint on other grounds prior to filing their [28 USC 1391] motion seeking a change of venue, the motion to dismiss was not a FRCP 12(b) motion -- rather

it sought dismissal pursuant to FRCP 8 (a)(e), 37(d), 41(b).

Under the provisions of 28 USC 1406(a) this court must dismiss this action for improper venue unless the Court finds that it would be in the interest of justice to transfer this action to a district [USDC C CA] in which it could originally have been brought. In light of the federal defendants [OCT 04, 1985 28 USC MOTION TO CHANGE VENUE] request that this action be transferred to the Central District of California [USDC C CA] the only obvious locus of this action (PAGE 7) the Court was prepared at the hearing on June 25, 1990 to allow plaintiff to choose between having this action dismissed or having it transferred to the Central District of California. For reasons not of record, the plaintiff as she has likewise done for every

APPENDIX

(PAGE 6) scheduled hearing since the commencement of this action [allowed under AZ Local Rules to submit on the pleadings.], chose not to attend the hearing. Having been deprived of the opportunity to further ascertain the plaintiff reasoning on this issue and having considered the federal defendants [OCT 04, 1985 28 USC 1391 MOTION TO CHANGE VENUE] request for a transfer, the Court concludes on the basis of the record before it that the interest of justice would not be served by a [28 USC] 1406(a)transfer of this action [to USDC C CA]. The Court's finding rests upon three grounds first, because the plaintiff herself argues that a transfer to California would be a violation of her constitutional and civil rights, although the Court does not actually believe that plaintiff's life would be in danger, as she asserts,

or that she could not get a fair trial if this action were to be prosecuted in the Central District of [Los Angeles] California; (PAGE 7) second, because of this action's total lack of connection with the district, see Cook v Fox 537 F 2d 370, 371 (9th Cir 1976), and the fact that the action smacks of harassment and bad faith on the plaintiff' part in that she filed it here after repeatedly losing on at least some similar claims in California see Wood v Santa Barbara Chamber of Commerce, Inc. 705 F 2d 1515, 1523 (9th Cir 1983) cert den 465 U.S. 1081 (1984) (refusing a transfer under [28 USC] 1406(a) because justice would not be served by transferring claims back to a jurisdiction that the pro se plaintiff purposely sought to avoid through blatant forum shopping.) (PAGE 8)

APPENDIX

(PAGE 8) Spriggins v Federal Deposit Insurance Corp. 683 F Supp 163, 166(ND Tex 1988) aff'd 877 F 2d 970 (5th Cir 1989) (Finding that a transfer from Texas to New Mexico pursuant to [28 USC] 1406(a) would be inappropriate use of the judicial system because the plaintiff only filed suit in Texas after failing to prevail on his claim in New Mexico)[3] and third, because a dismissal of the entire action at this time would all allow the plaintiff to properly appeal the Court's various rulings in this action which the plaintiff has now been improperly trying to appeal for almost five years and which she would simply continue to try to appeal if a transfer of this action were to occur. Therefore,

IT IS ORDERED that this action is dismissed in it's entirety as to all defendants pursuant to FRCP 12(b)(3) and

28 USC 1406(a).

Dated this 09 day of August, 1990.

/s/ Paul G. Rosenblatt

U.S. District Judge

---

[3]The Cases cited hereinabove in the AUG 09, 1990 MEMORANDUM OPINION are inapposite to -- 11 USC 548(a)(2), 28 USC 157(b)(2)(H), 28 USC 1334;Bkr Rule 7001. Bartle v Markson, supra (357 F 2d 517 (2nd Cir 1966); Melamed v Lake County Nat'l Bank, supra (727 F 2d 1399 (6th Cir 1984); Insurance Corp. of Ireland, Ltd. v Compagnie des Bauxites de Guinee supra (456 U.S. 694, 702); United Mine-Workers v Gibbs, supra; Camp v Gress, supra (250 U.S. 308 (1919); Van Dusen v Barrach, supra (376 U.S. 612, 639 (1964); U.S. v Guest, supra; Shapiro v Thonpson, supra; Driver v Helms, supra; King et al v Cal, supra 784 F 2d 912¶1.

oOo

APPENDIX

***

***

***

***

***

***

APPENDIX

-0-

FILED AUGUST 09 1990 (C.D. NO.188)

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

GWENDOLYN L. KING
aka GWENDOLYN L. GREENE
aka GWEN GREENE,

Plaintiff,

v

HON. BARRY RUSSELL,
HON. PETER ELLIOTT,
ART.I Bankruptcy
Consultant Judges,
USBC C CA, et al,

Defendants.

JUDGMENT IN A CIVIL CASE

NO.CIV85-1698PHX-PGR(WEC)

[x]Decision by Court. This action came

*for consideration

~~to-trial-or-hearing~~*before the Court.

The issues have been tried or heard and

a decision has been rendered.

IT IS ORDERED AND ADJUDGED that

* marks made by USDC AZ Clerk.

APPENDIX

having dismissed this action in its entirety as to all defendants for improper venue pursuant to FRCP 12(b)(3) and 28 USC §1406(a), plaintiff to take nothing and the complaint and action are hereby dismissed.

AUG 09 1990 /s/Richard H. Ware

Date Clerk

/s/A.L. Larsen

(By) Deputy Clerk

oOo

APPENDIX

FILED FEB 13 1990 (C.D. no.143)

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

GWENDOLYN L. KING
aka GWENDOLYN L. GREENE
aka GWEN GREENE,

Plaintiff

vs.

HON. BARRY RUSSELL,
HON. PETER ELLIOTT,
ART.I Bankruptcy
Consultant Judges,
USBC C CA, et al,

Defendants.

NO.CIV85-1698PHX-PGR(WEC)

ORDER OSC HEARING (L.R.38)

IT IS ORDERED that the plaintiff shall appear before this Court on Monday, February 26, 1990 at 1:30 p.m. in Courtroom No.1 to show cause why this action should not be dismissed for lack of prosecution pursuant to Local Rule 38.

DATED: February 12,1990 REC'D FEB 20 1990

by GLK /s/Paul G. Rosenblatt

oOo

APPENDIX

"USDC AZ Local Rule 38 Dismissal for Want of Prosecution. Cases which have been pending for more than six (6) months, without any proceedings having been taken therein, may be dismissed by the Court for want of prosecution in open court following notice to the parties that such action is contemplated and a status hearing where the parties may show good cause why such action should not be taken." (EMPHASIS ADDED.)

"FRCP Rule 38 JURY TRIAL OF RIGHT.

(a) Right Preserved. The right of trial by jury as declared by the Seventh Amendment to the [United States] Constitution or as given by a statute of the United States shall be preserved to the parties inviolate.

(b) Demand. Any party may demand a trial by jury of any issue triable

APPENDIX

of right by a jury by serving upon all parties a demand therefore in writing...Such demand may be endorsed upon a [1st AMENDED COMPLAINT] pleading of the [Plaintiff] party. (d) Waiver. ...A demand for trial by jury made as herein provided may not be withdrawn without the consent of the parties."

"FRCP Rule 41 DISMISSAL OF ACTIONS. (b) Involuntary Dismissal: Effect Thereof. For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against him...Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule , other than a dismissal

APPENDIX

for lack of jurisdiction, for improper venue...operates as an adjudication upon the merits." (EMPHASIS ADDED.)

"5th AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES

No person shall...be compelled to be a witness against himself, nor be deprived of life, liberty, or property <u>without due process of law ...without just compensation.</u>" (EMPHASIS ADDED.)

"6th AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES

...the accused shall enjoy the right to a...public trial, by an impartial jury [Judge] of the State [Arizona] and district [Phoenix] ...to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses."

APPENDIX

" (1985) USDC AZ Local Rule 6(b)(c)

Local Rule 6 Attorneys

(b) Non-Resident Attorneys

[CAPRICE L. COLLINS, ESQ., KAREN A. RAGLAND, ESQ., as Defendants/RESPONDENTS and as Non-Resident Attorneys for Defendants/RESPONDENTS KAPLANS (filed without association of AZ resident Attorney FRCP 12(b) MOTION TO DISMISS (Pennoyer v Neff 95 U.S. 714 (1877) for KAPLANS on September 24, 1985, C.D. nos. 18, 22, 23, 37)]

...any member in good standing of the bar of any United States Court, or of the highest court of any state...who has been retained to appear in this Court, and who is not a resident of this district... may be permitted, after application...Such applicant shall... designate ...to appear a member of the bar of this Court who maintains an

office in this district for the practice of law...He shall also file...written consent of such designee...

(c) [Fees of $15,00 with application] An application for limited admission pursuant to paragraph (b) above shall be accompanied by an admission fee of fifteen dollars ($15), payable to the Clerk U.S. District Court." (EMPHASIS ADDED.)

[On September 23, 1985 to October 25, 1985 COLLINS, ESQ., RAGLAND, ESQ did not comply with USDC AZ Local Rule 6(b)(c), and their acts were legally NULL & VOID and the Defendants/RESPONDENTS Kaplans, Collins, ESQ., Ragland, ESQ., are in DEFAULT -- and PETITIONER should have their DEFAULTS/DEFAULT JUDGMENTS entered as she requested timely.]

. . . . .

. . . . .

. . . . .

APPENDIX

Gwendolyn L. KING, for herself and on Behalf of all others similarly situated, Plaintiff-Appellant,

v.

STATE OF CALIFORNIA, George Deukmejian, Governor; March Fong Eu, Sec'y of State; John Van De Camp, Attorney-General; Integrity Home Loan, Inc., Patrick D. McCarron, President of Integrity Home Loan, John M. Plummer, Vice-President of Integrity Home Loan, et al., Defendants-Appellees.

No. 83-6427.

United States Court of Appeals,
Ninth Circuit.

Argued and Submitted Jan. 7, 1986.

Decided March 7, 1986.

784 F 2d 910,911,912¶1

Gwendolyn L. King, Phoenix, Ariz., for plaintiff-appellant.

Henry Ullerich, James H. Karp, Volk, Newman, Gralla & Karp, Los Angeles, Cal., for defendants-appellees.

Appeal from the United States District Court for the Central District of California.

Before FARRIS, PREGERSON and NORRIS, Circuit Judges.

FARRIS, Circuit Judge:

APPENDIX

King filed a Chapter 7 bankruptcy petition and on July 7,*1983, obtained a discharge of her debts in bankruptcy. Title to King's home remains vested in the bankruptcy trustee.** [USA Nov.23,1992.]

On May 23, 1983, Integrity disclosed to King the identity of the lenders in each of the disputed transactions. On May 26, 1983, King attempted to rescind under 15 U.S.C. §§ 1635(a) and (b), and 12 C.F.R. Pt. 226. Integrity then sought to foreclose on the security interest in King's home in a ***trustee's sale set for September 14, 1983. King filed with the State of California a request for quo warranto proceedings under the California Code of Civil Procedure section 803 to prevent the foreclosure sale.

**** On September 14, 1983, King, on behalf of herself and a class of borrowers who had dealt with Integrity, filed suit in federal court against Integrity, the State, various State officials, and the third party lenders. [KAPLANS claim denied 7/11/83.]

*(sic) JULY 11, 1983

**FED Defendant/RESPONDENT James Joseph, ESQ.

***Defunct California California Corporation [Non-existent] R&T INC.

PLTF>****NOTICE OF LIS PENDENS filed.

APPENDIX

FILED OCT 25, 1983

(C.D. nos. 1,2, EXHIBIT "B" pp. 116, 117)

CAPRICE L. COLLINS

Attorney for Plaintiff

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

In re GWENDOLYN L. KING aka GWENDOLYN L. GREENE aka GWEN KING (GREENE) Debtor.	BK NO.SA83-01703PE 11 USC CHAPTER 7 AD NO.SA83-2194PE
INTEGRITY HOME LOAN CO,INC., LONNIE AND SIMA KAPLAN Plaintiffs, vs GWENDOLYN L. KING aka GWENDOLYN L. GREENE aka GWEN GREENE Defendant.	ORDER GRANTING LEAVE TO FORECLOSE AND RELIEF FROM AUTOMATIC STAY DATE: OCT 18,1983 TIME: 10:00 a.m. PLACE Ctrm 523

Trial on Plaintiff's (sic) Request for Relief from Automatic Stay came on regularly on OCT 18, Ctrm 523 of the above

entitled Court. Plaintiff (sic) was represented by its counsel, Caprice L. Collins; Defendant/Debtor was not represented and was not present in Court.

The Court* having considered the evidence (*initials PE) record and oral argument advanced, made its Order as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Plaintiffs are permitted to perfect foreclosure on the subject property generally described as 4401 Don Diablo Drive, Los Angeles, California 90008;

2. That Plaintiffs shall be entitled to all amounts due and owing them including but not limited to arrearages, principal, interest, attorney's fees, foreclosure fees and late charges; and

3. That all restraining Orders and Automatic Stays with respect to this proceeding and to any subsequent Chapter proceedings which involve the subject property and the

defendant herein and/or their assignee(s) or successor(s) in interest are hereby vacated, extinguished and terminated.

DATED: OCT 25, 1983 default eph

/s/ Peter Elliott

[DEC 24, 1983 ART.I]

U.S. Bankruptcy Judge

(EMPHASIS ADDED)

oOo

FILED DEC 29, 1982, ENTERED JAN 06, 1983

(C.D. nos. 1,2 EXHIBIT "A" pp.114, 115)

CAPRICE L. COLLINS

Attorney for Plaintiff (sic)

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

In re GWENDOLYN L. KING aka GWENDOLYN L. GREENE aka GWEN GREENE	BK NO.LAX82-17781BR [11 USC CHAPTER 13]
Debtor(s).	AD NO.LAX82-43130BR
INTEGRITY HOME LOAN CO., INC., and LONNIE and SIMA KAPLAN	
Plaintiff (sic),	ORDER GRANTING
vs	LEAVE TO FORECLOSE
GWENDOLYN L. KING aka GWENDOLYN L. GREENE aka GWEN GREENE and ELSIE DAVIS [11 USC CHAPTER 13 COURT] TRUSTEE	AND RELIEF FROM AUTOMATIC STAY [omitted --
Defendant(s).	DATE: DEC 27, 1982
	TIME: 9:00 a.m.
	PLACE: Crtrm "A"]

Trial on Plaintiff's (sic) Request for Relief from Automatic Stay came on regul-

arly on DEC 27, 1982, 9:00 a.m. Crtrm "A" of the above entitled Court. [4]Plaintiff (sic) was represented by its Counsel, Capric L. Collins, Defendants/Debtors were represented.

The Court having considered the evidence, court record, and oral argument advanced, made its Order as follows:

IT IS HEREBY ORDERED, ADJUDGED, DECREED

(1) That Plaintiff (sic) is permitted to perfect foreclosure proceedings on the subject property generally described as 4401 Don Diablo Drive, Los Angeles, California, 9008; and

(2)That all restraining orders and automatic stays with respect to this proceeding and to any subsequent Chapter proceedings which involve the subject property

---

[4]NO ONE was present except Defendant BARRY RUSSELL and Petitioner, and she objected -- X-COMPLAINT and FRCP 12(b)(1) MOTION.

and the defendant(s) herein and/or their assignee(s) or successor(s) in interest are hereby vacated, extinguished and terminated.

DATED: DEC 29, 1982

/s/ Barry Russell

[DEC 24, 1982 ART.I]

U.S. Bankruptcy Judge

oOo

FILED AUG 06 1992

UNITED STATES COURT OF APPEALS

NINTH CIRCUIT

GWENDOLYN L. KING
aka GWENDOLYN L. GREENE
aka GWEN GREENE,

Plaintiff,

v.

HON. BARRY RUSSELL,
HON. PETER ELLIOTT,
ART.I Bankruptcy
Consultant Judges,
USBC C CA, et al,

Defendants.

NO.CV90-16602

USDC AZ NO.CIV85-1698PHX-PGR(WEC)

ORDER DENYING PETITION FOR REHEARING AND REJECTING SUGGESTION OF REHEARING EN BANC

Before: GOODWIN, FLETCHER, and BRUNETTI, Circuit Judges.

The panel as constituted in the above case has voted to deny the petition for rehearing.

APPENDIX

The full court has been advised of the suggestion for rehearing en banc and no judge of the court has requested a vote on it. FRAP 35(b).

The petition for rehearing is denied and the suggestion for rehearing en banc is rejected.

oOo

APPENDIX

FILED AUG 24 1992

UNITED STATES COURT OF APPEALS

NINTH CIRCUIT

GWENDOLYN L. KING
aka GWENDOLYN L. GREENE
aka GWEN GREENE,

Plaintiff,

v.

HON. BARRY RUSSELL,
HON. PETER ELLIOTT,
ART.I Bankruptcy
Consultant Judges,
USBC C CA, et al,

Defendants.

NO.CV90-16602

USDC AZ NO.CIV85-1698PHX-PGR(WEC)

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES (28 USC 1254(1), U.N. CHARTER (TREATY) DECLARATION OF HUMAN RIGHTS "LAW OF NATIONS," S Ct Rule 18)

NOTICE IS HEREBY GIVEN that GWENDOLYN L. KING aka GWENDOLYN L. GREENE etc. Plaintiff/Appellant/Petitioner above

APPENDIX

named, hereby appeals to the Supreme Court of the United States from the PER CURIAM OPINION of Circuit Judges GOODWIN, FLETCHER, and BRUNETTI, FILED MAY 11, 1992, King etc. v Russell, Elliott, USBC C CA, et al 963 F 2d 1301 (9th Cir.1992) and from the Final ORDER DENYING APPELLANT'S PETITION FOR REHEARING AND SUGGESTION OF REHEARING EN BANC (28 USC 46(c), FRAP 35, 40) entered in this action on August 06, 1992, a copy of which FINAL ORDER is attached. 28 USC 1254(1), U.N. CHARTER (TREATY) DECLARATION OF HUMAN RIGHTS "LAW OF NATIONS", S Ct Rue 18.

DATED: August 21, 1992.

/s/Gwendolyn L. King

PETITIONER In Pro Se

oOo

APPENDIX

FILED OCT 15 1992

Supreme Court of the United States

No. A-310

Gwendolyn L. King,

Petitioner

v.

Barry Russell, et al.

O R D E R

UPON CONSIDERATION of the application of counsel for the petitioner,

IT IS ORDERED that the time for filing a petition for a writ of certiorari in the above entitled case, be and the same is hereby extended to and including December 4, 1992./s/Sandra D. O'Connor

Associate Justice

Dated this 15th

day of October, 1992

oOo

APPENDIX

No.

IN THE

E COURT OF THE UNITED STATES

OCTOBER TERM 1987

NO.A-476

NO.A-642

RECEIVED
APR 12 1988
OFFICE THE CLERK
SUPREME COURT, U.S.

.YN L. KING, for her

Plaintiff(s)/Petitioner(s)/Appellant(s)

v.

LONNIE KAPLAN, SIMA KAPLAN as alleged

CIVIL NO.84-5762

ON APPEAL FROM THE UNITED STATES

COURT OF APPEALS FOR THE NINTH CIRCUIT

JURISDICTIONAL STATEMENT

NDOLYN L. KING, ESQ., Pro Se
CENTRAL AVE POSTAL CENTER
3 North Central Avenue
te 121-158
enix, Arizona 85012

March 8, 1988

APPENDIX

United States Senate

COMMITTEE ON VETERANS' AFFAIRS

WASHINGTON DC 20510-6375

July 21, 1988

RECEIVED AUG 0 1 1988

Mrs. Gwendolyn L. King

3003 North Central Avenue

Dear Mrs. King:

I am in receipt of your recent leng--thy letter detailing your actions before the Supreme Court of the United States...

My office did attempt, as a courtesy to ascertain the status [of Ninth Circuit CV84-5762 ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT JURISDICTIONAL STATEMENT March 8,1988, and 9CCA NO.CV90-15456 PETITION]

APPENDIX

which you requested. I must point out that a Congressional office is prohibited from being involved in any action pending before any court. Purists will insist that no contact should be made in these instances.

It is unfortunate that my staff was unable to make the contact you requested. However, I am satisfied that all reasonable efforts were made. Certainly, we cannot be held responsible for personnel of other branches of government returning repeated calls or going on vacation. ...Nor do I have the authority to direct the actions of personnel in other government agencies.

Sincerely,

/s/Dennis DeConcini

DENNIS DeCONCINI

United States Senator

oOo

APPENDIX

GREAT WESTERN SAVING AND LOAN ASS'N

P.O. Box 1900

Northridge CA 91328

REC'D JUN 16 1983

SPECIAL SERVICES

May 24, 1983 GWS&L

James Joseph

1801 Century Park East Suite 1400

Los Angeles CA 90067

RE: [11 USC CHAPTER 7]

Bankruptcy Case No.SA83-01703PE

Debtor: King, Gwendolyn L.

Great Western Loan No.0-145537-9

Dear Mr. Joseph:

We would appreciate receiving confirmation that you, as Trustee in the above reference bankruptcy matter, claim no interest in the real property located at 4401 Don Diablo Drive, Los Angeles CA [90008]. This property is the security for the above referenced GWS&L loan.

APPENDIX

If the foregoing statement is correct, please sign below and return the original of this letter to me. A stamped self-addressed envelope is enclosed for your convenience. Thank you.

Sincerely,

/s/Amy Cox

Assistant Sec'y GWS&L

sm

encls.

This will confirm, that I, James Joseph as [11 USC CHAPTER 7] Trustee [SA83-01703PE In re Gwendolyn L. King aka Gwendolyn L. Greene], claim no interest in the real property located at 4401 Don Diablo Drive, Los Angeles CA 90008

/s/James Joseph June 11, 1983

no[5]

---

[5]This above GWS&L May 24, 1983 Letter J.Joseph June 11, 1983 EXHIBIT"C" C.D.#2.

oOo

CHRONOLOGICAL LIST

OF RELEVANT DOCKET ENTRIES

USDC AZ NO.CIV85-1698PHX-PGR(WEC)

King aka Greene

v.

Russell, Elliott, ART.I Bankruptcy

Consultant Judges, USBC C CA

(DEC 29,1982, OCT 25, 1983)

et al

DATE	C.D.#	DOCUMENT FILED USDC AZ
1985		
JUL 19	1	PLTF VERIFIED COMPLAINT
AUG 12	2	PLTF VERIFIED 1st AMENDED COMPLAINT [JURY DEMAND]
SEP 04	4*	FED DEFS*FRCP Rule 8(a)(e) 37(d),41(b)MOTION TO DISMISS by Special Appearance
SEP 19	15	PLTF ACKNOWLEDGEMENT OF SERVICE OF DUPLICATE COPY OF *C.D.#4 Clerk's "NOTE: *NO SUCH MTN FILED W/Crt"

APPENDIX

DATE	C.D.#	DOCUMENT FILED USDC AZ
1985		
SEP 23	18	NON-FED DEF COLLINS,ESQ., NON-FED DEF RAGLAND ESQ., MOTION FOR LV TO FILE FRCP 12(b) MOTION TO DISMISS for NON-FED DEFS Kaplans WITH EXCESS PAGES
SEP 23	19	ORDER 1st set of Interogs propounded to U.S. Attys 9/16/85 C.D.#6 are stricken cc:King/Corradini/Ragland
SEP 24	22	ORDER GRANTING C.D.#18 cc:King/Corradini/Ragland
SEP 24	23	NON-FED DEFS Kaplans FRCP 12(b)(3)(6) MOTION TO DISMISS (Pennoyer v Neff,supra) FILED by Collins,ESQ. Ragland, ESQ.

APPENDIX

SEP 27	37	PLTF MOTION TO SET ASIDE ORDER C.D.#22 GRANTING C.D.#18 by unauthorized non-resident Attorneys/ Defendants Collins, ESQ., Ragland, ESQ. (USDC AZ Local Rule 6(b)(c)
OCT 04	52	FED DEFS "28 USC 1391" MOTION TO CHANGE VENUE TO USDC C CA based on "inconvenience" to US Attorney PAUL CORRADINI, ESQ., and that PLTF "did not reside in Phoenix AZ" because he went to the address.
OCT 08	60	FED DEFS FRCP 7(b)(1) EX PARTE MOTION FOR ENLARGEMENT OF 60 DAYS TO ANSWER 1st AMENDED COMPLAINT before USDC AZ Judge WALTER E. CRAIG (WEC)(who was

APPENDIX

DATE	C.D.#	DOCUMENT FILED USDC AZ
1985		
OCT 08	60	(Continued) assessed in a public report as "gravely ill","incompetent because of illness",by AZ Attorneys at Law who had appear-before him, and who died shortly after he signed C.D.#61; and US Attorney PAUL CORRADINI,ESQ. was fired shortly thereafter C.D.#60,61.)
OCT 09	61	ORDER (WEC) ENLARGING TIME OF 60 DAYS FOR FED DEFS TO ANSWER [From OCT 08 1985 to AUG 09 1990, FED DEFS never served and filed a FRCP Rule 12(a) ANSWER or a FRCP Rule 12(b)(3)MOTION TO DISMISS.]

APPENDIX

OCT 25	94	ORDER(PGR) Collins, ESQ. permitted to appear for NON-FED Defendants Lonnie & Sima Kaplan. cc: King/Corradini/Collins Ragland/Gobaldon/Polese
OCT 25	95	ORDER(PGR) Ragland, ESQ. permitted to appear for NON-FED Defendants Lonnie & Sima Kaplan. cc: same as C.D#94
OCT 25	96	PLTF MOTION TO SET ASIDE AND VACATE C.D.#61(WEC) AS CORAM NON JUDICE.
OCT 31	108	MEMORANDUM OPINION AND ORDER(PGR) DENYING ALL PLTF'S MOTIONS C.D.nos. 45,47,41,38,37,23.
NOV 04	109	MEMORANDUM OPINION AND ORDER(PGR) DENYING ALL PLTF'S MOTIONS C.D. nos.

APPENDIX

DATE	C.D.#	DOCUMENT FILED USDC AZ
1985		
NOV 04	109	(Continued)21, 87, 96, 83, 90, 99, 97, 101, 92 cc:King/Corradini(not US Attorney at time)/Kennedy/ Ragland/Gobaldon
NOV 13	131	PLTF/APPELLANT MOTION FOR STAY OF PROCEEDINGS PEND-ING APPEAL NO.CV85-2879 (FILED NOV 13, 1985 $70.00 FEE PAID, NOTICE OF APPEAL sent to all Counsel of Record and PGR Nov 13'85.)
NOV 05	110	PLTF NOTICE OF 1st SET OF INTERROGATORIES SENT TO CAPRICE L. COLLINS, ESQ.
NOV 05	111	PLTF NOTICE OF 1st SET OF INTERROGATORIES SENT TO KAREN A. RAGLAND,ESQ.

APPENDIX

DATE	C.D.#	DOCUMENT FILED USDC AZ
1985		
NOV 15	132	(Filed 11/13/85) PLTF NOTICE OF APPEAL $70.00 PD. (CA9 NO.CV85-2879)
NOV 26	---	Cert. of Record sent to Ninth Circuit. APPEALED
1990		TO U.S. SUPREME COURT.
FEB 13	143	OSC HEARING FEB 26,1990 PLTF to appear for failure to prosecute (AZ Local Rule 38 (FRCP Rules 41(b),82,83) [REC'D FEB 23 1990 by PLTF].
	145	PLFT MOTION TO RECUSE USDC AZ JUDGE Paul G. Rosenblatt (28 USC 455(a) 455(b)(1), Johnson v Zerbst, supra; U.S. v Ritter, supra; Clyatt v U.S. supra; 5th,6th, 13th Amendments.)

APPENDIX

DATE	C.D.#	DOCUMENT FILED USDC AZ
1990		
FEB 26	---	M/E: USDC AZ JUDGE Paul G. Rosenblatt denies PLTF [28 USC 455(a),455(b)(1)] MOTION TO RESCUSE USDC AZ JUDGE PAUL G. ROSENBLATT (US Attorney MIKE ARKFELD ESQ. for FED DEFS present only.)[Tumey v Ohio,supra Johnson v Zerbst, supra.]
FEB 26	146	PLTF NOTICE OF SERVICE ON PGR AND FILING FEB 23, 1990 IN NINTH CIRCUIT, A PETITION FOR WRIT OF MANDAMUS/PROHIBITION/CERTIORARI King aka Greene v Rosenblatt, USDC AZ et al NINTH CIRCUIT NO.CV90-15456 [C.D.#143 ORDER]

. . . . .

APPENDIX

FEB 30	151	PLTF NOTICE OF APPEAL TO NINTH CIRCUIT CV90-15456 King aka Greene v Russell, Elliott. USBC C CA et al (Cohen v Beneficial Industrial Loan Corp. 337 U.S. 541 (1949)FRAP Rules 3(a)(c)(d)(e), 4(a)(2)
FEB 30	152	PLTF MOTION TO STAY FURTHER PROCEEDINGS IN USDC AZ NO.CIV85-1698PHX-PGR (WEC) King etc v Russell et al.
APR 02	---	M/E OSC Ex Parte Hearing FED DEFENDANTS MIKE ARKFELD present, USDC JUDGE Paul G. Rosenblatt DENIES C.D.#152
APR 04	154	Crt Reporter Transcript (no hrgs held)(al)

APPENDIX

DATE	C.D.#	DOCUMENT FILED USDC AZ
APR 12	---	Certificate of Record NINTH CIRCUIT APPEAL NO. CV90-15456 transmitted to 9CCA (al)
APR 19	156	PLTF MOTION TO CORRECT OMISSION OF ALL DOCKET ENTRIES FROM JULY 19, 1985 TO APRIL 09, 1990 IN CERTIFICATE OF RECORD APR 12, 1990 9CCA NO.CV 90-15456
APR 25	159	PGR ORDER GRANTING C.D. #156 PLTF MOTION, and "send a copy of the entire corrected docket sheet, incl both hard copy and computerized docket sheets to the 9th circuit court of appeals" PGR cc: all Counsel

APPENDIX

APR 25	159*	(Continued) ("complete [corrected] docket mailed APR 27, 1990 and certified copy of this ORDER [PGR APR 25 1990] to 9CCA")(CV90-15456)(al)
JUN 25	---	EX PARTE HEARING(MOTION) U.S. Attorney James Loss ESQ. for FED DEFENDANTS, James Polese, ESQ. for NON-FED DEFS Great Western Savings & Loan Ass'n M/E "The Court[PGR] determines this Case should be dismissed and will issue a Memo and Order." (al)
*APR 25 1990	160	NON-FED DFTS Great Western RESPONSE TO PLTF NOV 07,1985 MOTION TO COMPEL GW TO ANSWER IN

APPENDIX

DATE	C.D.#	DOCUMENT FILED USDC AZ
*APR 25 1990	160	(Continued) LIEU OF OBJECTIONS AND TO COMPLY WITH FRCP 33(a),56(e), AZ Local Rule 11(b). [No GW RESPONSE from Nov 07 1985 until Apr 25 1990 to PLTF C.D.#120 MOTION TO COMPEL GW TO ANSWER INTERROGATORIES PROPOUNDED TO GW per Orville Fasset VP ON OCT 08 1985 C.D.#58 NOTICE.]
1990		
	163	N-FED DEFENDANTS FRCP 12(b) MOTION TO DISMISS [IT]
	165	N-FED DEFENDANT P. PICKENS, L.A. COUNTY MARSHAL #81 FRCP 12(b) MOTION TO DISMISS[HER]

APPENDIX

1990		
MAY 29	170	PLTF RESPONSE TO N-F DEFS L.A. COUNTY, L.A. COUNTY MARSHAL P.PICKENS #81 FRCP 12(b) MOTION(S) (C.D.nos.163, 165)
MAY 30	171	PLTF RESPONSE TO N-F DEFS CITY OF L.A. FRCP 12(b) MOTION TO DISMISS [IT]
JUL 25	181	N-FED DEFS CITY OF L.A. LAPD FRCP 12(b) MOTION TO DISMISS LAPD OFFICERS GATES, RIZZI, GREER,DAVIS O'NEILL, AND NOTICE OF HRG 9/24/90 1:00 p.m.
JUL 27	182	PLTF RESPONSE TO N-F DEFS CITY OF L.A. FRCP 12(b) (6), 4(j) MOTION TO DIS-MISS [THEM] C.D. no.181
JUL 31	184	PLTF RESPONSE TO N-F DEFS STATE FRCP 12(b)(6) MOTION

APPENDIX

DATE	C.D.#	DOCUMENT FILED USDC AZ
1990		
JUL 31	184	(Continued) TO DISMISS STATE/AGENTS (C.D.no.174
AUG 08	185	PLTF REQUEST FOR DEFAULT LAPD OFFICER PATRICIO HERNANDEZ #21757, PLTF AFFIDAVIT IN SUPPORT PLTF CERTIFICATE OF ENTRY OF DEFAULT [Clk's NOTE: DEFAULT NOT ENTERED-- IMPROPER VENUE (al)]
AUG 09	187	USDC AZ JUDGE PAUL G. ROSENBLATT MEMORANDUM OPINION Unpublished. [APPENDIX,page 13-A.]
AUG 09	188	JUDGMENT BY CLERK re: Order C.D. no.187 (al) cc: all counsel/COPY to J/D (al)
AUG 14	189	PLTF NOTICE OF APPEAL TO 9CCA--FEES PAID USDC AZ.

[EMPHASIS ADDED]

oOo

CONSTITUTIONAL AND STATUTORY PROVISIONS

THE CONSTITUTION OF THE UNITED STATES

ARTICLE I

§8 cl.1 The Congress shall have Power To...provide for the Common Defence and general Welfare of the United States;...

§8 cl.4 To establish...uniform Laws on the subject of Bankruptcies throughout the United States;

§8 cl.9 To constitue Tribunals inferior to the Supreme Court;

§8 cl.10 To define and punish...Offences against the Law of Nations;

§8 cl.17 To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Govern-

ment of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of...needful Buildings;--And

§8 cl.18 To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

§9 cl.3 No Bill of Attainder or ex post post facto law shall be passed.

§10 cl.1 No State shall...pass any Bill of Attainder, ex post facto Law, or Law impairing Obligation of Contract or grant any Title of Nobility.

(EMPHASIS ADDED.)

. . . . .

. . . . .

APPENDIX

ARTICLE II

§1 cl.1 The executive Power shall be invested in a President of the United States of America...

§2 cl.2 He shall have Power by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint... Judges of the supreme Court, and all other Officers of the United States not herein otherwise provided for, and which shall be provided by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper in the President alone, in the Courts of Law, or in the Heads of Departments.

. . . . .

. . . . .

. . . . .

ARTICLE III

§1 The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

§2 cl.1.1 The judicial Power shall extend to all Cases, in Law and Equity,

§2 cl.1.2 arising under this Constitution,

§2 cl.1.3 [arising under] the Laws of the United States, and Treaties made,

§2 cl.1.4 or [arising under the Laws of the United States and Treaties] which shall be made under their Authority...

. . . . .

ARTICLE IV

§2 cl.1 The citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the Several States.

§3 cl.2 The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

[EMPHASIS ADDED.]

. . . . .

. . . . .

. . . . .

. . . . .

. . . . .

. . . . .

. . . . .

. . . . .

ARTICLE VI

VI cl.2 This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

VI cl.3 The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executives and judicial Officers, both of the United States and of the several States shall be bound by Oath or Affirmation, to support the Constitution...

. . . . .

. . . . .

. . . . .

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

APPENDIX

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

APPENDIX

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX

THE UNITED NATIONS CHARTER (TREATY)

UNIVERSAL DECLARATION OF HUMAN RIGHTS

"LAW OF NATIONS"

Article 1

All human beings are born free and equal in dignity and rights...

Article 2

Everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and slave trade shall be prohibited in all their forms.

. . . . .

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration [of Human Rights] and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him [her/them] by the constitution or by the law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his [her/their] rights and obligations and of any criminal charge...

Artilce 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he [she/they] has [have] had all the guarantees necessary for his [her/their] defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time...committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his [her/their] honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution...

. . . . .

. . . . .

. . . . .

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience...to manifest his [her/their]...belief in teaching, practice...

. . . . .

. . . . .

. . . . .

. . . . .

. . . . .

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 23

Everyone has the right to work, to free choice of employment...to protection against unemployment...

Article 26

1. Everyone has the right to education...professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit...

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration [of Human Rights] can be fully realized.

Article 30

Nothing in this Declaration [of Human Rights] may be interpreted as implying for any State, group or person any right to engage in any activity... aimed at destruction of...rights and freedoms set forth herein.

oOo

UNITED STATES SUPREME COURT

RULE 26.6

PETITIONER EXHIBIT "A"

LOS ANGELES CA"FEDERAL ENCLAVE"

WHERE PETITIONER"S "CLAIM" "AROSE"

ON DEC 27, 1982, DEC 29, 1982

IN THE USBC C CA

COURTROOM "A" OF THE FEDERAL COURTHOUSE

BEFORE ART.I BANKRUPTCY JUDGE RUSSELL

The "Federal enclave" where Petitioner's "claim" "arose" on DEC 27,1982 and DEC 29, 1982, above described is bounded by NORTH -- Aliso St., WEST -- Spring St., SOUTH -- Temple St., EAST -- Alameda St., which PETITIONER'S EXHIBIT "A" MAP is included in Ninth Circuit No.CV90-16602 ADDENDUM of APPELLANT'S OPENING BRIEF, page 59 MAP.

The Court is respectfully requested to take Judicial Notice of said "Federal enclave" in Los Angeles CA.

oOo

APPENDIX

87-A